

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

CAUCUS AGENDA #8

February 26, 2020

Bill Number	Short Title	Committee	Date	Action
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Committee on Federal Relations

Chairman: Mark Finchem, LD 11

Analyst: Diana Clay

Vice Chairman: Gail Griffin, LD 14

Intern: Grace Korthuis-Smith

[HCM 2001](#)_(BSD) urging establishment; federalism task force
 SPONSOR: THORPE, LD 6 HOUSE
 FR 2/17/2020 DP (4-1-0-2)
 (No: MEZA Abs: BOLDING, HERNANDEZ A)

[HCR 2015](#)_(BSD) reduction of federal landholdings
 SPONSOR: THORPE, LD 6 HOUSE
 FR 2/17/2020 DP (4-1-0-2)
 (No: MEZA Abs: BOLDING, HERNANDEZ A)

[HCR 2016](#)_(BSD) article V convention; term limits
 SPONSOR: TOWNSEND, LD 16 HOUSE
 FR 2/17/2020 DP (4-3-0-0)
 (No: BOLDING, HERNANDEZ A, MEZA)

[HCR 2022](#)_(BSD) energy and land use restrictions
 SPONSOR: GRIFFIN, LD 14 HOUSE
 FR 2/17/2020 DP (4-2-0-1)
 (No: HERNANDEZ A, MEZA Abs: BOLDING)

[HM 2001](#)_(BSD) federalism commission; summit; urging president
 SPONSOR: THORPE, LD 6 HOUSE
 FR 2/17/2020 DP (4-2-0-1)
 (No: HERNANDEZ A, MEZA Abs: BOLDING)

Committee on Land & Agriculture

Chairman: Timothy M. Dunn, LD 13

Analyst: Paul Bergelin

Vice Chairman: Travis W. Grantham, LD 12

Intern: Mackenzie Nintzel

[HB 2724](#)_(BSD) egg-laying hens; confinement; regulation
 SPONSOR: DUNN, LD 13 HOUSE
 LAG 2/20/2020 DP (5-2-0-0)
 (No: COOK, GRANTHAM)

[HCM 2009](#)_(BSD) floodwater harvesting; study; urging Congress
 SPONSOR: DUNN, LD 13 HOUSE
 LAG 2/13/2020 DP (6-0-0-1)
 (Abs: CHÁVEZ)

[HR 2002](#)^(BSI) harness racing; resumption
 SPONSOR: THORPE, LD 6 HOUSE
 LAG 2/20/2020 DP (6-0-0-1)
 (Abs: CHÁVEZ)

Committee on Commerce

Chairman: Jeff Weninger, LD 17 **Vice Chairman:** Travis W. Grantham, LD 12
Analyst: Paul Benny **Intern:** Michael Laird

[HB 2501](#)^(BSI) commerce authority; adult workforce education.
 SPONSOR: CARROLL, LD 22 HOUSE
 COM 2/11/2020 DP (8-1-0-0)
 (No: KERN)
 ED 2/17/2020 DP (7-3-1-2)
 (No: BOLDING, BLANC, PETEN Abs: TOWNSEND, LIEBERMAN
 Present: FILLMORE)

[HB 2823](#)^(BSI) ambulance service; interfacility transfers
 SPONSOR: WENINGER, LD 17 HOUSE
 COM 2/18/2020 DPA (9-0-0-0)

[HB 2876](#)^(BSI) farm wineries; production
 SPONSOR: WENINGER, LD 17 HOUSE
 COM 2/18/2020 DP (9-0-0-0)

Committee on Regulatory Affairs

Chairman: Travis W. Grantham, LD 12 **Vice Chairman:** Bret Roberts, LD 11
Analyst: Jon Rudolph **Intern:** Loren Breen

[HB 2852](#)^(BSI) money transmitters; exemptions; authorized delegates
 SPONSOR: BOLICK, LD 20 HOUSE
 RA 2/17/2020 DP (6-0-1-0)
 (Present: TERÁN)

Committee on Transportation

Chairman: Noel W. Campbell, LD 1 **Vice Chairman:** Leo Biasiucci, LD 5
Analyst: Jason Theodorou **Intern:** Valeria Garcia

[HB 2730](#)^(BSI) rental vehicle license surcharge; exceptions
 SPONSOR: THORPE, LD 6 HOUSE
 TRANS 2/12/2020 DPA (5-4-0-0)
 (No: ANDRADE, GABALDÓN, TELLER, TERÁN)

[HB 2791](#)^(BSI) appropriations; State Route 88; repair
 SPONSOR: TOWNSEND, LD 16 HOUSE
 TRANS 2/19/2020 DP (8-0-0-1)
 (Abs: TELLER)
 APPROP 2/24/2020 DP (8-3-0-0)
 (No: FERNANDEZ, FRIESE, LIEBERMAN)

[HB 2802](#)_(BSI) appropriation; overpass; State Route 347
 SPONSOR: ROBERTS, LD 11 HOUSE
 TRANS 2/19/2020 DP (7-0-0-2)
 (Abs: PAYNE, TELLER)
 APPROP 2/24/2020 DP (10-1-0-0)
 (No: KERN)

Committee on Public Safety

Chairman: Kevin Payne, LD 21

Analyst: Eryn Streeter

Vice Chairman: Anthony T. Kern, LD 20

Intern: Bryce Moore

[HB 2474](#)_(BSI) pedestrians; street crossing; medians
 SPONSOR: PAYNE, LD 21 HOUSE
 PS 2/19/2020 DPA (4-2-1-0)
 (No: ANDRADE, LONGDON Present: HERNANDEZ D)

[HB 2830](#)_(BSI) traffic stops; police cars; uniforms
 SPONSOR: GRANTHAM, LD 12 HOUSE
 PS 2/19/2020 DP (4-3-0-0)
 (No: ANDRADE, HERNANDEZ D, LONGDON)

[HB 2879](#)_(BSI) DOC; substance abuse programs; appropriations
 SPONSOR: ROBERTS, LD 11 HOUSE
 PS 2/19/2020 DPA (7-0-0-0)
 APPROP 2/24/2020 DPA (10-1-0-0)
 (No: FILLMORE)

[HCR 2010](#)_(BSI) law enforcement; first responders; honoring
 SPONSOR: GRIFFIN, LD 14 HOUSE
 PS 2/19/2020 DP (4-0-0-3)
 (Abs: KERN, HERNANDEZ D, KAVANAGH)

[HCR 2012](#)_(BSI) honoring Arizona rangers
 SPONSOR: GRIFFIN, LD 14 HOUSE
 PS 2/19/2020 DP (4-0-1-2)
 (Abs: KERN, HERNANDEZ D Present: ANDRADE)

Committee on Health & Human Services

Chairman: Nancy K. Barto, LD 15

Analyst: Ingrid Garvey

Vice Chairman: Jay Lawrence, LD 23

Intern: Megan Larsen

[HB 2104](#)_(BSI) child care assistance; education; training
 SPONSOR: UDALL, LD 25 HOUSE
 HHS 2/13/2020 DPA (9-0-0-0)

[HB 2550](#)_(BSI) DHS; long-term care facility surveyors.
 SPONSOR: DUNN, LD 13 HOUSE
 HHS 2/20/2020 DP (9-0-0-0)
 APPROP 2/24/2020 DPA (10-1-0-0)
 (No: KERN)

[HB 2706](#)^(BSI) interscholastic athletics; biological sex
SPONSOR: BARTO, LD 15 HOUSE
HHS 2/13/2020 DPA (5-4-0-0)
(No: POWERS HANNLEY, BUTLER, HERNANDEZ A, SHAH)

[HB 2764](#)^(BSI) mental health omnibus.
SPONSOR: WENINGER, LD 17 HOUSE
HHS 2/20/2020 DPA (9-0-0-0)
APPROP 2/24/2020 DPA (10-0-0-1)
(Abs: KERN)

[HB 2784](#)^(BSI) medical marijuana; research; grants
SPONSOR: PAYNE, LD 21 HOUSE
HHS 2/20/2020 DP (8-1-0-0)
(No: ALLEN J)

[HB 2824](#)^(BSI) pharmacy board; nonprescription drugs; diversion
SPONSOR: BARTO, LD 15 HOUSE
HHS 2/13/2020 DP (8-0-0-1)
(Abs: GRIFFIN)

Committee on Elections

Chairman: Kelly Townsend, LD 16

Vice Chairman: Frank P. Carroll, LD 22

Analyst: Stephanie Jensen

Intern: Jeremy Bassham

[HB 2827](#)^(BSI) elections; tabulation review; referral; logs
SPONSOR: FINCHEM, LD 11 HOUSE
ELECT 2/18/2020 DP (6-4-0-0)
(No: SALMAN, JERMAINE, RODRIGUEZ, TERÁN)

[HCR 2039](#)^(BSI) initiative; referendum; signatures; legislative districts
SPONSOR: FINCHEM, LD 11 HOUSE
ELECT 2/18/2020 DP (6-4-0-0)
(No: SALMAN, JERMAINE, RODRIGUEZ, TERÁN)

Committee on Appropriations

Chairman: Regina E. Cobb, LD 5

Vice Chairman: John Kavanagh, LD 23

Analyst: Tim Grubbs

Intern: Jake Sonnenburg

[HB 2072](#)^(BSI) mental health professionals; loan repayment
(APPROP S/E: mental health professional academy; appropriation)
SPONSOR: BLACKMAN, LD 6 HOUSE
APPROP 2/12/2020 DPA/SE (9-1-0-1)
(No: KERN Abs: FILLMORE)

[HB 2573](#)^(BSI) appropriation; laboratory; Navajo technical university
SPONSOR: TSOSIE, LD 7 HOUSE
APPROP 2/24/2020 DP (10-0-0-1)
(Abs: COBB)

[HB 2641](#)^(BSI) elderly assistance fund; state treasurer
SPONSOR: CARROLL, LD 22 HOUSE
APPROP 2/24/2020 DPA (8-1-0-2)
(No: COBB Abs: FRIESE, KERN)

[HB 2898](#)^(BSI) empowerment scholarships; qualified schools; parent
SPONSOR: COBB, LD 5 HOUSE
APPROP 2/19/2020 DP (6-4-0-1)
(No: ESPINOZA, FERNANDEZ, FRIESE, LIEBERMAN Abs: UDALL)

[HCR 2008](#)^(BSI) school finance; payment deferrals; prohibition
SPONSOR: PETERSEN, LD 12 HOUSE
APPROP 2/5/2020 DP (6-4-0-1)
(No: ESPINOZA, FERNANDEZ, FRIESE, LIEBERMAN Abs: ROBERTS)

Committee on Judiciary

Chairman: John M. Allen, LD 15

Vice Chairman: Walter J. Blackman, LD 6

Analyst: Lauren Cook

Intern: Samantha Fagerburg

[HB 2797](#)^(BSI) aggravated assault; security guard; definition
SPONSOR: PAYNE, LD 21 HOUSE
JUD 2/21/2020 DP (6-4-0-0)
(No: ENGEL, DEGRAZIA, PAWLIK, RODRIGUEZ)

[HCR 2033](#)^(BSI) second amendment; supporting
SPONSOR: CARROLL, LD 22 HOUSE
JUD 2/21/2020 DP (10-0-0-0)

Committee on Ways & Means

Chairman: Ben Toma, LD 22

Vice Chairman: Shawwna LM Bolick, LD 20

Analyst: Vince Perez

Intern: Blake Gephart

[HB 2409](#)^(BSI) small business investment credit; extension
SPONSOR: COBB, LD 5 HOUSE
WM 2/12/2020 DP (7-3-0-0)
(No: POWERS HANNLEY, GRANTHAM, BOLICK)

[HB 2837](#)^(BSI) income tax credits; employment
SPONSOR: OSBORNE, LD 13 HOUSE
WM 2/19/2020 DP (5-4-0-1)
(No: POWERS HANNLEY, EPSTEIN, CANO, BOLICK Abs:
GRANTHAM)

[HB 2856](#)^(BSI) unclaimed property locators; registration
SPONSOR: CARROLL, LD 22 HOUSE
WM 2/19/2020 DP (7-3-0-0)
(No: POWERS HANNLEY, CANO, SIERRA)

Committee on Government

Chairman: John Kavanagh, LD 23

Vice Chairman: Kevin Payne, LD 21

Analyst: Stephanie Jensen

Intern: Jeremy Bassham

[HB 2598](#)^(BSI) sanctuary jurisdiction; liability; civil action
SPONSOR: ROBERTS, LD 11 HOUSE
GOV 2/20/2020 DPA (6-5-0-0)
(No: ESPINOZA, BLANC, DEGRAZIA, JERMAINE, SIERRA)

[HB 2792](#)_(BSI) incorporation; urbanized areas.
SPONSOR: SHOPE, LD 8 HOUSE
GOV 2/20/2020 DP (8-0-0-3)
(Abs: ESPINOZA, THORPE, DEGRAZIA)

[HCR 2041](#)_(BSI) corporation commission; appointment; members
SPONSOR: TOMA, LD 22 HOUSE
GOV 2/20/2020 DP (6-5-0-0)
(No: ESPINOZA, BLANC, DEGRAZIA, JERMAINE, SIERRA)

Committee on Natural Resources, Energy & Water

Chairman: Gail Griffin, LD 14 **Vice Chairman:** Timothy M. Dunn, LD 13
Analyst: Paul Bergelin **Intern:** Mackenzie Nintzel

[HB 2818](#)_(BSI) adjudication; subflow wells; claim; priority
SPONSOR: GRIFFIN, LD 14 HOUSE
NREW 2/18/2020 DPA (8-5-0-0)
(No: GABALDÓN, ENGEL, CANO, TSOSIE, LONGDON)

[HB 2819](#)_(BSI) geological survey; state geologist; appointment
(NREW S/E: Arizona geological survey; state geologist)
SPONSOR: GRIFFIN, LD 14 HOUSE
NREW 2/18/2020 DPA/SE (13-0-0-0)

[HB 2828](#)_(BSI) solar; electric vehicle batteries; disposal
SPONSOR: FINCHEM, LD 11 HOUSE
NREW 2/18/2020 DP (7-5-0-1)
(No: GABALDÓN, ENGEL, CANO, TSOSIE, LONGDON Abs: SHOPE)

[HB 2855](#)_(BSI) electric charging providers; regulation
SPONSOR: CARROLL, LD 22 HOUSE
NREW 2/18/2020 DP (12-0-0-1)
(Abs: SHOPE)

[HB 2880](#)_(BSI) assured water supply; availability; plats
SPONSOR: ROBERTS, LD 11 HOUSE
NREW 2/18/2020 DP (7-5-0-1)
(No: GABALDÓN, ENGEL, CANO, TSOSIE, LONGDON Abs: FINCHEM)

[HCM 2003](#)_(BSI) urging Congress; technical correction
(NREW S/E: urging eradication; salt cedars; waterways)
SPONSOR: GRIFFIN, LD 14 HOUSE
NREW 2/18/2020 DPA/SE (11-0-0-2)
(Abs: FINCHEM, SHOPE)

[HCR 2027](#)_(BSI) legislators' qualifications; technical correction
(NREW S/E: support; water management policies)
SPONSOR: GRIFFIN, LD 14 HOUSE
NREW 2/18/2020 DPA/SE (11-0-0-2)
(Abs: FINCHEM, SHOPE)

Committee on Technology

Chairman: Bob Thorpe, LD 6 **Vice Chairman:** Jeff Weninger, LD 17
Analyst: Paul Benny **Intern:** Michael Laird

<u>HB 2654</u> _(BSI)	patriotic youth groups; school access.				
SPONSOR:	THORPE, LD 6	HOUSE			
		TECH	2/19/2020	DPA	(7-0-0-0)
<u>HB 2881</u> _(BSI)	genetic testing; private property				
SPONSOR:	ROBERTS, LD 11	HOUSE			
		TECH	2/19/2020	DP	(7-0-0-0)
<u>HCR 2013</u> _(BSI)	consumer data; privacy; federal standard				
SPONSOR:	BOLICK, LD 20	HOUSE			
		TECH	2/19/2020	DP	(6-1-0-0)
		(No: BUTLER)			



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: FR DP 4-1-0-2-0

HCM2001: urging establishment; federalism task force

Sponsor: Representative Thorpe, LD 6

Caucus & COW

Overview

Urges the directors of the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG) and the American Legislative Exchange Council (ALEC) to establish a National Federalism Task Force in order to consider plans to restore and maintain clear division of powers between the federal government and state government.

History

The National Council of State Legislature's mission is to advance the effectiveness, independence and integrity of the legislatures and to foster interstate cooperation and facilitate the exchange of information among legislatures. It represents the legislatures in dealing with the federal government in supporting state sovereignty and state flexibility and protection from unfunded federal mandates and unwarranted federal preemption. ([National Conference of State Legislatures](#))

The Council of State Governments is a region-based forum that fosters the exchange of insights and ideas to help state officials shape public policy. ([The Council of State Governments](#))

The American Legislative Exchange Council is made up of almost one quarter of the country's states legislators and stakeholders from across the policy spectrum who are dedicated to the principles of limited government, free markets and federalism. ALEC provides a forum for experts to discuss business and economic issues facing the states. ([American Legislative Exchange Council](#))

Provisions

1. Urges the directors of the NCSL, CSG and ALEC to establish a National Federalism Task Force for the purpose of convening a series of Federalism Summits to examine and make plans to mend and conserve clear divisions in roles and responsibilities of the federal government and the states government.
2. Instructs the Arizona Secretary of State to distribute copies of this memorial to the directors of the National Conference of State Legislatures, the Council of States Governments and the American Legislative Exchange Council and to the President of the Senate, the Speaker of the House of Representatives and the chairpersons of the federalism or federal-state relations committees of each state legislature.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: FR DP 4-1-0-2-0

HCR2015: reduction of federal landholdings

Sponsor: Representative Thorpe, LD 6
Caucus & COW

Overview

Mandates the Attorney General and the State Land Department to oppose the establishment of federal land holdings in Arizona.

History

Land ownership in the State of Arizona is categorized as follows: 17.6% Private; 42.1% Federal; 27.6% Indian Reservation; 12.7% State Trust. ([Arizona State Land Department](#))

Federally-owned land in each state varies but is concentrated in the Western United States: e.g., Alaska (61.3%); Nevada (79.6%); and the western states (46.4%) compared to Connecticut and Iowa (.3%); and other states (4.2%). ([Congressional Research Service](#))

Provisions

1. Directs the Attorney General and the State Land Department to oppose the following:
 - a) The establishment of any new or additional federal land holdings in the state of Arizona; and
 - b) Any change of status of federal, state and private lands to national parks, monuments, conservation areas, wilderness areas or other federal uses without Arizona's legislative approval.
2. Stipulates that the Attorney General and the State Land Department use every means available to do the following:
 - a) Reduce the percentage of federal landholdings within Arizona to percentages comparable to those found in the states east of Colorado; and
 - b) Eliminate restrictive wilderness area designations of public lands within this state.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: FR DP 4-3-0-0-0

HCR2016: article V convention; term limits
Sponsor: Representative Townsend, LD 16
Caucus & COW

Overview

Applies to Congress to call a convention of the states to propose an amendment to the United States Constitution to set term limits for members of Congress.

History

Article V of the Constitution of the United States allows Congress to call a convention to propose an amendment to the Constitution. The U.S. Constitution states that Constitutional amendments may be proposed by either:

- 1) Two thirds of both chambers of Congress; or
- 2) An application of two-thirds of state legislatures calling a convention of the states to propose amendments. ([Article V, U.S. Constitution](#))

The U.S. Constitution states that a proposed constitutional amendment must be ratified by three- fourths of the states before it can become effective.

Provisions

1. Applies to Congress to call a convention of the states to propose an amendment to the Constitution to set term limits for United States Representatives and United States Senators.
2. States that this resolution constitutes a continuing application in accordance with Article V until the legislatures of at least two-thirds of the states have made applications on the same subject.
3. Instructs the Arizona Secretary of State to distribute copies of this resolution to the President and Secretary of the U.S. Senate, the Speaker and Clerk of the U.S. House of Representatives, the Chairperson of the House Committee on Judiciary, each Member of Congress from the State of Arizona, and the presiding officer of each legislative house in each state, requesting their cooperation.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: FR DP 4-2-0-1-0

HCR2022: energy and land use restrictions

Sponsor: Representative Griffin, LD 14
Caucus & COW

Overview

States the Arizona Legislature's opposition to federal legislation that restricts land use and energy production.

History

H.R. 1373, the Grand Canyon Centennial Protection Act, withdraws approximately one million acres of federal land in Arizona adjacent to the Grand Canyon National Park from mining and mineral and geothermal leasing. ([H.R. 1373- Grand Canyon Centennial Protection Act](#)). Similarly, H.R. 2181, also known as the Chaco Cultural Heritage Area Protection Act of 2019, withdraws federal land in proximity to the Chaco Culture National Historical Park in New Mexico from entry under hard rock mining and from mineral and geothermal leasing activities and dismisses any existing leasing agreements in the withdrawal area that are not producing by the end of their initial term. ([H.R. 2181- Chaco Cultural Heritage Area Protection Act of 2019](#)).

On May 18, 2018, the U.S. Department of the Interior (DOI) published a list of 35 minerals "considered critical to the economic and national security of the United States." ([United States Geological Survey](#)). This publication was required by an Executive Order that also states the U.S. policy to: 1) identify new sources of these critical minerals; 2) increase activity at all levels of the supply chain; and 3) streamline leasing and permitting processes to expedite production of minerals on the list. ([E.O. 13817](#)). H.R. 3405 directs DOI to remove uranium from the critical mineral list. (H.R. 3405- Uranium Classification Act of 2019).

Provisions

1. Condemns the federal legislation that restricts land use and obstructs U.S. energy production.
2. States that the Arizona Legislature finds this federal legislation contrary to national security, property rights, energy security and the well-being of Arizonans.
3. Directs the Arizona Secretary of State to transmit copies of the Resolution to the U.S. President and each member of the Arizona Congressional delegation.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: FR DP 4-2-0-1-0

HM2001: federalism commission; summit; urging president

Sponsor: Representative Thorpe, LD 6

Caucus & COW

Overview

Urges the U.S. President to establish a National Federalism Commission to develop plans that restore and maintain clear divisions of power between the federal government and states' governments.

History

The U.S. Constitution has been operating since 1789 and is the world's longest surviving written charter of government. The Constitution declares the supremacy of the people through their elected officials, details the separate, balanced and distinct make-up of the Congress, along with the federal and state governments, including their powers, duties and responsibilities. The Constitution has been amended 27 times since its inception. Additionally, the first 10 amendments constitute the Bill of Rights.

The Tenth Amendment, adopted in 1791, states: "*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*" ([United States Senate](#))

Provisions

1. Urges the U.S. President to establish a National Federalism Commission composed of White House and administration officials, Members of Congress and state legislators, governors and attorneys general.
2. Authorizes the U.S. President to direct the National Federalism Commission to convene a National Federalism Summit series to restore and maintain clear divisions in the roles and responsibilities of the federal and state governments to benefit the American people.
3. Instructs the Arizona Secretary of State to distribute a copy of this memorial to the U.S. President and each member of Congress from the State of Arizona.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: LAG DP 5-2-0-0-0

HB 2724: egg-laying hens; confinement; regulation

Sponsor: Representative Dunn, LD 13

Caucus & COW

Overview

Establishes space requirements for enclosed egg-laying hens and prohibits business owners from knowingly selling or transporting eggs for sale in Arizona that were produced by egg-laying hens that were confined in a way that contradicts this act.

History

Arizona Administrative Code requires all egg-laying hens in Arizona to be raised according to the [United Egg Producers Animal Husbandry Guidelines](#) (Guidelines). It also requires all eggs sold in Arizona to be produced from hens that are raised according to the Guidelines. This requirement does not apply to egg producers that operate egg ranches with fewer than 20,000 egg-laying hens, any hens that are raised cage-free or any eggs produced by cage-free hens ([R3-2-907](#)). The Arizona Department of Agriculture's Animal Services Division is responsible for enforcing these requirements ([A.R.S. § 3-1201 et seq.](#))

The Guidelines recommend that each egg-laying hen in a cage be given 67 to 86 square inches of usable space. Further, all hens should be able to stand comfortably upright and the slope of the floor should not exceed 8 degrees. For cage-free hens, the Guidelines recommend a minimum range of 1.0 to 1.5 square feet of usable space per hen, depending on whether the hens are housed in multitiered aviaries, partially slatted systems, or single-level all litter floor housing systems. The Guidelines also contain additional recommendations for perch and nesting space for cage-free hens.

There are federal regulations related to confining egg-laying hens for organic products. Specifically, these regulations require producers to maintain:

- 1) Preventative health care practices that can include conditions which allow for exercise and freedom of movement ([7 Code of Federal Regulations § 205.238](#)); and
- 2) Living conditions that accommodate the health and natural behavior of animals, including year-round access to outdoors, shade, shelter and direct sunlight ([7 Code of Federal Regulations § 205.239](#)).

Provisions

Confinement Standards

1. Prohibits an Arizona farm owner or operator from knowingly confining an egg-laying hen in an enclosure with less than one square foot of usable floor space per hen beginning on January 1, 2021.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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2. Forbids, beginning on January 1, 2025, an Arizona farm owner or operator from knowingly confining an egg-laying hen in an enclosure:
 - a) That is not a cage-free housing system;
 - b) With less than either:
 - i. one square foot of usable floor space per hen in a cage-free housing system that allows hens unfettered access to vertical space; and
 - ii. 1.5 square feet of usable floor space per hen in a cage-free housing system that does not provide hens with unfettered access to vertical space.
3. Specifies that these enclosure requirements do not apply to:
 - a) Medical research;
 - b) Exams, tests, treatment or operations performed by or under the supervision of a licensed veterinarian;
 - c) Transportation;
 - d) Exhibitions such as state or county fairs and 4-H programs;
 - e) Slaughter that complies with applicable laws, rules or regulations; and
 - f) Short-term animal husbandry that does not exceed 6 hours in a 24-hour period and 24 hours in a 30-day period. (Sec. 2)
4. Prohibits a business owner or operator from knowingly selling or transporting for sale in Arizona shell eggs or egg products that they know or should know were produced by an egg-laying hen that was confined in a way that violates this act. (Sec. 2)
5. Declares that a sale occurs where the buyer takes physical possession of an item. (Sec. 2)

Enforcement

6. Requires the Arizona Department of Agriculture (Department) Director to:
 - a) Enforce this act;
 - b) Have access during regular business hours to business premises, facilities, vehicles and records related to the activities regulated by this act; and
 - c) Adopt rules for enforcing this act, including those for inspecting farms, shell eggs, and egg products for compliance with this act. (Sec. 2)
7. Allows the Director to rely on approved government or private third-party inspection and continuous process verification services to ensure compliance with this act. (Sec. 2)
8. Stipulates that the Director must certify shell eggs and egg products as compliant with this act before these products can be sold in Arizona if:
 - a) The eggs are inspected to satisfy adopted rules; or
 - b) If the Director determines that the eggs are accompanied with documentation proving that they have undergone government or third-party inspection and process verification services.

9. Exempts processing facilities with monthly capacities less than 3,000 cases of shell eggs from this certification requirement.
10. Directs the Attorney General or county attorney, on request, to:
 - a) Advise the Director or his agents on the performance of their duties; and
 - b) Institute and prosecute actions arising from act. (Sec. 2)
11. Declares that this act does not apply to a farm owner or operator with annual egg production from a flock of less than 3,000 egg-laying hens. (Sec. 2)
12. Lowers (from 20,000 to 3,000) the maximum number of egg-laying hens that a producer must have in an egg ranch in order to be exempt from Department rules for poultry husbandry and production of eggs sold in Arizona. (Sec. 1)
13. Establishes affirmative defense for a business owner or operator that relied in good faith on a written certification from a supplier that any shell eggs or egg products did not come from a egg-laying hen confined in a way that does not comply with this act. (Sec. 2)
14. Empowers the Director to enjoin a violation or threatened violation of any provision of this act in the superior court of the county in which the violation has occurred. (Sec. 2)
15. Sets a civil penalty between \$100 and \$500 per violation. (Sec. 2)
16. Exempts the Department from rulemaking requirements for one year following the effective date of this act. (Sec. 3)

Miscellaneous

17. Defines *business owner or operator, cage-free housing system, egg products, enclosure, farm, farm owner or operator, multitiered aviary, partially slatted system, person, sale, shell egg, single-level all-litter floor system and usable floor space*. (Sec. 2)
18. Contains legislative declarations. (Sec. 4)
19. Makes this act effective on January 1, 2021. (Sec. 5)
20. Contains a severability clause. (Sec. 6)
21. Makes technical change. (Sec. 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: LAG DP 6-0-0-1-0

HCM2009: floodwater harvesting; study; urging Congress

Sponsor: Representative Dunn, LD 13

Caucus & COW

Overview

Urges the United States Congress to fund a technological and feasibility study of the development of a diversion dam and pipeline to harvest floodwater from the Mississippi River to replenish the Colorado River and prevent flood damage along the Missouri and Mississippi rivers.

History

The Mississippi River flows 2,350 miles from its source at Lake Itasca in Minnesota through the United States to the Gulf of Mexico. The Missouri River is a tributary of the Mississippi River and is approximately 100 miles longer. The Mississippi River drains all or parts of 32 states and two Canadian provinces, about 40% of the continental United States totaling an area of 1.2 million square miles ([National Park Service](#)).

Provisions

1. Urges the United States Congress to fund a technological and feasibility study to develop a diversion dam and pipeline to:
 - a) Harvest floodwater from the Mississippi River to replenish the Colorado River; and
 - b) Prevent flood damage along the Missouri and Mississippi rivers.
2. Instructs Congress to implement the diversion dam and pipeline as a partial solution to the water supply shortage in Lake Powell and Lake mead and the flood damage that occurs along the Missouri and Mississippi rivers.
3. Instruct the Arizona Secretary of State to transmit copies of this HCM to the following officials:
 - a) The President of the U.S. Senate;
 - b) The Speaker of the U.S. House of Representatives;
 - c) The Governors of the Missouri and Mississippi river states of Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, South Dakota and Tennessee; and
 - d) Each Member of Congress from the State of Arizona.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: LAG DP 6-0-0-1-0-0

HR2002: harness racing; resumption

Sponsor: Representative Thorpe, LD 6
Caucus & COW

Overview

Declares that the House of Representatives supports the resumption of harness racing in Arizona and requests that the Arizona Racing Commission (Commission) update rules and regulations and incorporate best practices for the health, safety and fairness of those involved.

History

Harness racing is horse racing where horses are harnessed to a sulky, carriage or similar vehicle and guided by a driver ([A.R.S. § 5-101](#)).

The Commission regulates the racing industry. To that end, it issues racing dates, prepares and adopts rules to govern racing meetings and conducts hearings on applications for permits to conduct races, including harness races (A.R.S. §§ [5-104](#) and [5-107](#)).

Provisions

1. Declares that the House of Representatives supports the resumption of harness racing in Arizona.
2. Requests that the Commission update harness racing rules and regulations and incorporate best practices for the health, safety and fairness of those involved.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: COM DP 8-1-0-0 | ED DP 7-3-1-2

HB 2501: commerce authority; adult workforce education.

**Sponsor: Representative Carroll, LD 22
Caucus & COW**

Overview

Establishes the Adult Workforce Diploma Program (Program) to assist a person in earning a high school diploma and developing employability and career and technical skills.

History

[Laws 2011, 2nd Special Session, Chapter 1](#), created the Arizona Commerce Authority (ACA) and outlined its duties and responsibilities. The ACA facilitates the beneficial economic growth and development of this state and promotes prosperity through the development and protection of the legitimate interests of Arizona business, industry and commerce within and outside this state ([Laws 2018, Chapter 66](#)).

Provisions

Adult Workforce Diploma Program (Sec. 1)

1. Establishes, within the Arizona Commerce Authority (ACA), the Program to assist a person who is at least 21 years of age in earning a high school diploma and developing critical employability and career and technical skills to prepare for employment.
2. Directs the ACA, prior to August 15 of each year, to issue a request for participation qualifications for Program providers.
3. Outlines Program provider qualifications.
4. Requires the ACA, prior to October 15 of each year, to approve Program providers and place providers on an approved Program provider list.
 - a) Requires providers to enroll student prior to November 15 of each year.
 - b) Specifies providers maintain approval status unless the provider fails to meet performance standards.
5. Instructs the ACA to pay providers for each student who completes milestones as follows:
 - a) \$250 for each completed half unit of high school credit;
 - b) \$250 for each earned employability skills certification;
 - c) \$250 for each earned industry-recognized credential that requires up to 50 hours of training;
 - d) \$500 for each earned industry-recognized credential that requires at least 50 hours but not more than 100 hours of training;
 - e) \$750 for each earned industry-recognized credential that requires more than 100 hours of training; and
 - f) \$1,000 for each earned high school diploma.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

6. Requires providers to submit monthly invoices to the ACA for milestones met in the previous month.
 - a) The ACA must pay providers in the order in which the invoices are submitted.
 - b) The ACA must provide written updates to providers which includes total dollars paid and estimated number of enrollments still available for the year.
7. Requires providers, prior to July 15 of each year, to report specified data to the ACA.
8. Instructs the ACA to review data from each approved Program provider to ensure that each provider is achieving minimum Program performance standards, including:
 - a) A graduation rate of at least 50%; and
 - b) A cost per graduate of \$7,000 or less.
9. Stipulates a provider who fails to meet the minimum Program performance standards is placed on probationary status and is removed from the approved list if the provider fails to meet the standards for two consecutive years.

Adult Workforce Diploma Program Fund (Sec. 1)

10. Establishes the Program Fund (Fund) which consists of legislative appropriations, gifts, grants and other donations.
 - a) Specifies the Fund is administered by the chief executive officer and Fund monies are continuously appropriated.
11. Appropriates \$5,000,000 from the state General Fund each fiscal year to the Fund.

Miscellaneous (Sec. 1)

12. Terminates the Program July 1, 2030.
13. Defines pertinent terms.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: COM DPA 9-0-0-0

HB 2823: ambulance service; interfacility transfers

Sponsor: Representative Weninger, LD 17

Caucus & COW

Overview

Creates a *certificate of operation* for non-emergency interfacility transfers.

History

The Director (Director) of the Department of Health Service (Department) must adopt rules to regulate the operation of ambulances and ambulance services which include, to regulate operating and response times of ambulances to meet the needs of the public and to ensure adequate service ([A.R.S. § 36-2232](#)).

In order to operate an ambulance service a person must apply for a certificate of necessity issued by the Department. A person must meet all of the following requirements for issuance:

- a) The ambulance service has a certificate of registration issued by the Department for at least one ambulance;
- b) The Director finds that public necessity requires the service, or any part of the service proposed by the applicant;
- c) The Director finds that the applicant is fit and proper to provide the service;
- d) The applicant has paid the appropriate fees; and
- e) The applicant has filed the necessary surety bond ([A.R.S. § 36-2233](#)).

Current statute defines *ambulance* as any publicly or privately owned surface, water or air vehicle, including a helicopter, that contains a stretcher and necessary medical equipment and supplies and that is especially designed and constructed or modified and equipped to be used, maintained or operated primarily for the transportation of individuals who are sick, injured or wounded or who require medical monitoring or aid ([A.R.S. § 36-2201](#)).

Provisions

1. Clarifies the rules adopted to regulate operating and response times of ambulance must meet *or exceed* the needs of the public *or the sponsoring hospital system*.
 - a) Adds the rules adopted for certificated ambulance service operating under a certificate of operation must include uniform standards for its service area and medical considerations. (Sec. 2)
2. Extends certain rules and requirements for ambulance services operating under a certificate of necessity to ambulance services operating under a certificate of operation. (Sec. 2)
3. Allows the Director to inquire into the compliance of certification by the commission on accreditation of ambulance services. (Sec. 2)
4. Instructs the Department to grant requests from an ambulance service to be part of the Phoenix Uniform Rate Group. (Sec. 2)
5. Excludes a person wishing to operate interfacility transfers under a certificate of operation from the requirements for issuing a certificate of necessity. (Sec 3)

6. Requires a person to obtain a certificate of operation to operate an ambulance service to provide interfacility transfers.
 - a) Outlines the requirements for issuance. (Sec. 4)
7. Requires a person that has obtained a certificate of operation to apply for a certificate of registration. (Sec. 4)
8. Specifies the requirements for a certificate of operation does not apply to a person who holds a valid certificate of necessity that authorizes interfacility transport. (Sec. 4)
9. Defines *sponsorship*. (Sec. 4)
10. Exempts certificates of operation from public hearings and judicial review relating to rates, fares or charges, operating or response times. (Sec. 5)
11. Allows the Director to determine the effects of rate changes on the general public in the area of service designated in a certificate of operation. (Sec. 5)
12. Allows the Director to immediately suspend a certificate of registration, necessity or operation or any combination of the three without notice if the Director determines a potential threat to public health and safety. (Sec. 5)
13. Specifies an initial certificate of operation be issued for three years.
 - a) Allows the Director to evaluate the performance of the certificate holder after the first year.
 - b) Stipulates the certificate holder must implement an improvement plan if determined that the performance is substandard. (Sec. 6)
14. Mandates the certificate holder to demonstrate accreditation by the Commission on Accreditation of Ambulance Services prior to the expiration of the certificate of operation. (Sec. 6)
15. Requires the Director to renew the certificate of operation for three years if certain criteria are met. (Sec. 6)
16. Stipulates a certificate of operation will be renewed for a period of at least one year if the Director fails to act within 90 days after the expiration date.
 - a) Extends the term to three years if it is determined that there is no cause for denying or renewing for a shorter term. (Sec. 6)
17. Voids a certificate of operation if the hospital system sponsorship is terminated. (Sec. 6)
18. Specifies a certificate of operation is not a franchise, may be revoked and does not confer a property right to its holder. (Sec. 7)
19. Extends certain issuance requirements for a certificate of necessity to a certificate of operation. (Sec. 8)
20. Establishes the following fees for a certificate of operation:
 - a) Application, \$100;
 - b) Amend, transfer or renew, \$50; and
 - c) Issuance of an initial certification, \$200.
21. Clarifies written and signed statements of dissatisfaction *pertaining to patient care, wait time for interfacility transfers, the customer, patient, hospital system or health care provider* are deemed to have filed an inform complaint against the ambulance service. (Sec. 10)

22. Extends certain civil penalties, suspensions, reinstatement, and legal name change requirements for a certificate of necessity to a certificate of operation. (Sec. 10, 11)
23. Defines *certificate of operation*, *hospital system*, *interfacility transfer* and *sponsoring hospital system*. (Sec. 1)
24. Makes technical changes. (Sec. 1, 2, 5, 8, 9, 10 and 11)

Amendments

Committee on Commerce

1. Deletes all references of *certificate of operation*.
2. Removes the section of the bill which:
 - a) Required the Director to adopt rules relating to response times of a certificate of operation;
 - b) Permitted the Director to inquire into the compliance of certification by the commission on accreditation of ambulance services; and
 - c) Required the Director to grant requests to be part of the Phoenix Uniform Rate Group.
3. Requires the Department to establish an Interfacility Ambulance Service Demonstration Project (Project).
4. Requires a person wishing to operate an ambulance service under the Project to apply to the Department to receive a demonstration permit (Permit).
5. Applies the criteria for obtaining a certificate of operation to obtaining a Permit.
 - a) Modifies the criteria.
6. Instructs an applicant who has been awarded a Permit to apply for a certification of registration.
7. Removes language indicating the certificate of operation applying to a person who holds a certificate of necessity.
8. Specifies a person who holds a certificate of necessity does not qualify for the Project.
9. Limits the service area of a Permit holder to a county with a population of more than 3 million persons.
10. Sets the term for a Permit to 5 years.
11. Instructs the Director to establish response times for a Permit holder that are consistent with certificate of necessity holders that perform interfacility transports in the same service area.
 - a) Specifies the data to be collected by a third-party vendor and be used to validate response times for a Permit holder.
12. Allows the Director to evaluate the performance of a Permit holder and implement an improvement plan if the performance is determined to be substandard.
13. Instructs the Director to issue a certificate of necessity to a Permit holder who achieves specified criteria.
14. Repeals the Project July 1, 2027.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: COM DP 9-0-0-0

HB 2876: farm wineries; production

Sponsor: Representative Weninger, LD 17
Caucus & COW

Overview

Removes certain production limitations for a farm winery license.

History

A person that produces between 200 and 40,000 gallons of wine may be licensed as a farm winery. Wine that is produced on the premises may be sampled by consumers. A farm winery that produces less than 20,000 per year may make sales and deliveries of the produced wine to on-sale and off-sale retailers. Additionally, the farm winery may apply to operate up to two remote tasting and retail premises. ([A.R.S. § 4-205.04](#))

Provisions

1. Removes the production cap for a farm winery licensee that ships wine directly to purchasers in this state. *Current cap is 20,000 gallons per year. (Sec. 1)*
2. Removes the requirement for a farm winery licensee to obtain a producer license if the licensee exceeds the production cap permitted by the license. (Sec. 2)
3. Removes the production cap for a farm winery license. *Current cap is 40,000 gallons per year. (Sec. 2)*
4. Removes the production cap for a farm winery licensee that makes sales and deliveries of wine to on-sale and off-sale retailers and to consumers who order by telephone, mail, fax or internet. *Current cap is 20,000 gallons per year. (Sec. 2)*
5. Extends statutory restrictions for a licensed farm winery to a remote tasting room. (Sec. 2)
6. Makes a conforming change. (Sec. 3)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: RA DP 6-0-1-0

HB 2852: money transmitters; exemptions; authorized delegates

Sponsor: Representative Bolick, LD 20
Caucus & COW

Overview

Exempts a person who has a written agreement with a financial institution for money transfer services from licensure.

History

A money transmitter (Transmitter) is defined as a person who conducts business in this state, including a check casher and a foreign money exchanger, who does any of the following:

- 1) Sells or issues payment instruments;
- 2) Engages in the business of:
 - a) Receiving money for transmission of or transmitting money;
 - b) Exchanging payment instruments or money into any form of money or payment instruments; and
 - c) Receiving money for the purpose of paying obligor's bills, invoices or accounts; and
- 3) Meets the definition of a financial institution found in federal code ([A.R.S. § 6-1201](#)).

Provisions

1. Exempts a person who provides Transmitter services for a financial institution from needing a Transmitter license if:
 - a) The agency relationship between the person and the financial entity is established through a written agreement; and
 - b) The financial entity remains responsible for providing the Transmitter services to its customers. (Sec. 1)
2. Removes the requirement that a contract between an authorized delegate and a Transmitter licensee contain a current copy of the Transmitters of Money statute. (Sec. 2)
3. Makes technical and conforming changes. (Sec. 1, 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TRANS DPA 5-4-0-0

HB 2730: rental vehicle license surcharge; exceptions

Sponsor: Representative Thorpe, LD 6

Caucus & COW

Overview

Exempts all-terrain vehicles, off-highway vehicles and off-road recreational vehicles from the rental vehicles surcharge.

History

Pursuant to [A.R.S. § 28-5810](#), a person engaged in the business of renting motor vehicles without drivers is required to collect, at the time the rental vehicle is rented, a 5% surcharge on each rental contract that is for a period of 180 day or less.

The surcharge collected must be used for reimbursement of the Vehicle License Tax (VLT) imposed on the rental vehicles. A business who collects a surcharge must file a report with the Arizona Department of Transportation (ADOT) which includes the total amount of VLT and vehicle rental revenues for the previous year. The report must also include the difference in which the surcharge exceeds the VLT. Surcharges collected in excess of the amount of VLT must be remitted, deposited and distributed to the Highway User Revenue Fund.

A motor vehicle that is owned by a government entity is exempt from the rental vehicle surcharge.

Provisions

1. Exempts all-terrain vehicles, off-highway vehicles or off-road recreational vehicles from the rental vehicles from the rental vehicle surcharge. (Sec. 1)
2. Requires ADOT to annually notify each person who is required to pay the rental vehicle surcharge. (Sec. 1)
3. States that a person, including a person who lost an appeal or ruling, who is engaged in renting all-terrain vehicles, off-highway vehicles or off-road recreational vehicles without a driver is not required to remit uncollected surcharges that were required to be remitted prior to the effective date of this bill. (Sec. 1)
4. Makes a conforming change. (Sec. 1)

Amendments

Committee on Transportation

1. Removes the requirement for ADOT to annually notify each person who is required to pay the rental vehicle surcharge.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TRANS DP 8-0-0-1 | APPROP DP 8-3-0-0

HB 2791: appropriations; State Route 88; repair

Sponsor: Representative Townsend, LD 16

Caucus & COW

Overview

Provides funding to the Arizona Department of Transportation (ADOT) to repair State Route 88.

History

[Laws 1973, Chapter 146](#) established ADOT to provide for an integrated and balanced state transportation system with a director responsible for the department's administration ([A.R.S. § 28-331](#)). ADOT has exclusive control and jurisdiction over state highways, state routes, state owned airports and all state- owned transportation systems or modes are vested in ADOT.

The duties of ADOT are as follows: 1) register motor vehicles and aircraft, license drivers, collect revenues, enforce motor vehicle and aviation statutes and perform related functions; 2) do multimodal state transportation planning, cooperate and coordinate transportation planning with local governments and establish an annually updated priority program of capital improvements for all transportation modes; 3) design and construct transportation facilities in accordance with a priority plan and maintain and operate state highways, state owned airports and state public transportation systems; 4) investigate new transportation systems and cooperate with and advise local governments concerning the development and operation of public transit systems; and 5) have administrative jurisdiction of transportation safety programs and implement them in accordance with applicable law ([A.R.S. § 28-332](#)).

Provisions

1. Appropriates monies from the General Fund to ADOT to repair State Route 88 as follows:
 - a) In FY 2021, \$15,000,000 for the eastern and western portions of State Route 88; and
 - b) In FY 2022, \$15,000,000 for the central portion of State Route 88. (Sec. 1)
2. Requires ADOT to apply for any reimbursements available from the federal government before spending the appropriations made for the repair of State Route 88. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TRANS DP 7-0-0-2 | APPROP DP 10-1-0-0

HB 2802: appropriation; overpass; State Route 347

Sponsor: Representative Roberts, LD 11

Caucus & COW

Overview

Provides funding to the Arizona Department of Transportation (ADOT) to construct an overpass at Riggs Road and State Route 347.

History

[Laws 1973, Chapter 146](#) established ADOT to provide for an integrated and balanced state transportation system with a director responsible for the department's administration). ADOT has exclusive control and jurisdiction over state highways, state routes, state owned airports and all state- owned transportation systems or modes are vested in ADOT([A.R.S. § 28-331](#)).

The duties of ADOT are as follows: 1) register motor vehicles and aircraft, license drivers, collect revenues, enforce motor vehicle and aviation statutes and perform related functions; 2) do multimodal state transportation planning, cooperate and coordinate transportation planning with local governments and establish an annually updated priority program of capital improvements for all transportation modes; 3) design and construct transportation facilities in accordance with a priority plan and maintain and operate state highways, state owned airports and state public transportation systems; 4) investigate new transportation systems and cooperate with and advise local governments concerning the development and operation of public transit systems; and 5) have administrative jurisdiction of transportation safety programs and implement them in accordance with applicable law ([A.R.S. § 28-332](#)).

Provisions

1. Appropriates \$35,000,000 from the General Fund in FY 2021 to ADOT to construct an overpass at Riggs Road and State Route 347. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DPA 4-2-1-0

HB 2474: pedestrians; street crossing; medians

Sponsor: Representative Payne, LD 21

Caucus & COW

Overview

Prohibits a pedestrian from being on a median for any reason except to cross a street.

History

Current law provides meaning for special pedestrian control signs that exhibit the words "walk" and "don't walk" or symbols of a walking person that symbolizes the words "walk" and "don't walk". A person who has started to cross a roadway and has not completed crossing on the "walk" signal must proceed to a sidewalk or safety island while the don't walk signal is showing. Furthermore, a person crossing the street cannot loiter or unduly delay crossing a roadway after traffic has stopped to give the right-of-way. ([A.R.S. § 28-646](#))

Provisions

1. Restricts a pedestrian from being on a median for any reason except to cross a street. (Sec. 5)
2. Exempts the following individuals from the median restriction:
 - a) An Arizona law enforcement officer, parking enforcement personnel or a fire department employee while performing official duties;
 - b) Individuals who are authorized to perform construction or maintenance work on a state highway, street or right-of-way; and
 - c) A person responding to an emergency on a street or median. (Sec. 5)
3. Classifies, as a class 2 misdemeanor, the offense of a pedestrian being on a median for purposes other than crossing a street. (Sec. 5)
4. Removes language that a pedestrian cannot loiter or unduly delay crossing the roadway after traffic has stopped to give the right-of-way. (Sec. 4)
5. Strikes the definition of *personal delivery device* and removes *personal delivery device* from the definition of *motor vehicle* and *vehicle*. (Sec. 1)
6. Defines *median*. (Secs. 1 & 2)
7. Repeals laws relating to definitions on September 1, 2020. (Sec. 3)
8. Contains a conditional enactment clause and an effective date of September 1, 2020. (Secs. 6 & 7)
9. Makes conforming changes. (Sec. 1)

Amendments

Committee on Public Safety

1. Specifies that a pedestrian is prohibited from being on a median less than 30 feet wide for any purpose other than to cross a street.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DP 4-3-0-0

HB 2830: traffic stops; police cars; uniforms

Sponsor: Representative Grantham, LD 12

Caucus & COW

Overview

Requires a law enforcement vehicle to be marked appropriately and a law enforcement officer to dress in an official uniform.

History

A driver of a motor vehicle fleeing or attempting to elude a pursuing official law enforcement vehicle is guilty of a class 5 felony. This applies if the law enforcement vehicle is appropriately marked or if the vehicle is unmarked and the driver admits to knowing the vehicle was a law enforcement vehicle or evidence shows the driver knew the vehicle was a law enforcement vehicle ([A.R.S. § 28-622.01](#)).

Provisions

1. Requires a law enforcement agency (agency) to use a vehicle that is appropriately marked to show that it is an official law enforcement vehicle for routine enforcement of traffic laws. (Sec. 1)
2. Provides an exception that a vehicle may use a specially marked law enforcement vehicle that clearly displays the name and logo of the agency on the right door if the use of a specially marked vehicle will contribute to the safety of the traveling public. (Sec. 1)
3. Limits an agency to having no more than 10 percent of their vehicles be specially marked law enforcement vehicles used to enforce traffic laws except a city, town or county that uses fewer than 11 vehicles for traffic law enforcement may not have more than one specially marked vehicle. (Sec. 1)
4. Directs a law enforcement officer operating a law enforcement vehicle to enforce traffic laws to be dressed in an official law enforcement uniform. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DPA 7-0-0-0 | APPROP DPA 10-1-0-0

HB 2879: DOC; substance abuse programs; appropriations

Sponsor: Representative Roberts, LD 11

Caucus & COW

Overview

Appropriates monies for substance abuse counseling for prisoners and establishes the Substance Abuse Treatment Provider Loan Repayment Fund.

History

The Medical Marijuana Fund (MMF) was established and consists of fees collected, civil penalties imposed and private donations received. The director of the Arizona Department of Health Services may accept and spend grants, gifts, donations and contributions and the monies in the fund do not revert to the state General Fund at the end of each fiscal year ([A.R. S. § 36-2817](#)).

[The Arizona Medical Marijuana Initiative](#), also known as Proposition 203 was on the ballot and voted by Arizona voters on November 2, 2010.

Provisions

1. Establishes the Substance Abuse Treatment Provider Loan Repayment Fund (fund) that is administered by the Arizona Department of Health Services (DHS). (Sec. 1)
2. States the monies in the fund are subject to legislative appropriations and exempt from lapsing. (Sec. 1)
3. Directs DHS to use the monies in the fund to provide grants to defray a portion of the outstanding educational loan payment obligation of medical professionals who provide substance abuse treatment or counseling in Arizona correctional facilities. (Sec. 1)
4. Requires DHS to prescribe the application and eligibility requirements for the grants and exempts DHS from the procurement code and statute related to the solicitation and award of grants. (Sec. 1)
5. Outlines the priority in which DHS must awards grants. (Sec. 1)
6. States that a qualified grant recipient who provides an average of more than 30 hours of substance abuse and treatment or counseling per week in a month is eligible to receive up to \$1,500 in award monies to defray the recipients educational loan payment obligation for that month. (Sec. 1)
7. States that a qualified grant recipient who provides an average of more than 20-29 hours of substance abuse and treatment or counseling per week in a month is eligible to receive up to \$750 in award monies to defray the recipients educational loan payment obligation for that month. (Sec. 1)
8. Prohibits a qualified grant recipient to receive an award amount that exceeds the recipients total educational loan payment obligation for the month. (Sec. 1)
9. Directs DHS, by October 1 of each year, to submit a report to the Joint Legislative Budget Committee on each grant awarded during the previous fiscal year. (Sec. 1)

☒ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

10. Requires the Arizona Department of Corrections (ADC) to transfer the following monies each year:
 - a) \$2,000,000 from the MMF to the Substance Abuse Treatment Provider Loan Repayment Fund;
 - b) \$5,000,000 to ADC to provide substance abuse counseling to prisoners in the custody of ADC;
 - c) \$1,000,000 to ADC to hire at least one employment specialist at each prison operated by ADC; and
 - d) \$125,000 to the Arizona Health Care Cost Containment System to establish a reach-in program of coordinated care on release from prison for prisoners who were convicted of drug possession. (Sec. 2)
11. States ADC must prioritize substance abuse counseling for prisoners who receive earned release credits. (Sec. 2)
12. Requires ADC to submit an expenditure plan for JLBC to review before spending any money transferred to ADC in a fiscal year. (Sec. 2)
13. Requires ADC to submit a report, by October 1 of each year, to JLBC on the outcomes achieved by:
 - a) The substance abuse counseling during the previous fiscal year;
 - b) The employment services provided during the previous fiscal year; and
 - c) The reach-in program provided during the previous fiscal year. (Sec. 2)
14. Contains a Proposition 105 clause. (Sec. 3)
15. Makes technical and conforming changes. (Sec. 2)

Provisions

Committee on Public Safety

1. Clarifies the appropriated funds are being taken from the MMF.
2. Specifies ADC provides substance abuse counseling and treatment, rather than substance abuse counseling, in the \$5,000,000 appropriations.

Committee Appropriations

1. Clarifies the appropriated funds are being taken from the MMF.
2. Specifies ADC provides substance abuse counseling and treatment, rather than substance abuse counseling, in the \$5,000,000 appropriations.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DP 4-0-0-3

HCR2010: law enforcement; first responders; honoring

Sponsor: Representative Griffin, LD 14

Caucus & COW

Overview

Relates to the Legislature honoring and expressing their gratitude to all law enforcement and first responders.

History

[The Arizona Automobile Theft Authority](#) possesses [a list of and links to](#) every Arizona police department and marshal offices. In total, the state has 80 local law enforcement agencies and marshal offices. In addition to the local law enforcement, Arizona has the [Department of Public Safety](#) headquartered in downtown Phoenix but also operates out of local offices throughout the 15 counties. [The Arizona Sheriff's Association](#) lists all 15 counties and who heads each county sheriff's department.

[The Arizona Department of Forestry and Fire Management \(DFFM\)](#) provides resources for the prevention and suppression of wildland fire on State Trust land and private property outside of incorporated communities. DFFM also provides services for fire prevention, urban and community forestry, and forest health.

Provisions

1. States that Members of the Legislature honor and express their sincere gratitude to all law enforcement personnel and other first responders in Arizona. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DP 4-0-1-2

HCR2012: honoring Arizona rangers
Sponsor: Representative Griffin, LD 14
Caucus & COW

Overview

Commends the Arizona Rangers for their public service.

History

The 1860 Provisional Territorial Government organized the Arizona Territorial Rangers. [The Arizona Rangers](#) were approved in 1901 by the 21st Arizona Legislative Assembly and served until 1909 when they were disbanded.

Re-established in 1957, the modern Arizona Rangers are an unpaid, all volunteer, non-profit, law enforcement support and assistance civilian auxiliary in Arizona. The Arizona Rangers work cooperatively at the request of and under the direction, control and supervision of established law enforcement officials and officers.

Provisions

1. States that the Members of the Arizona Legislature recognize the history of and commend the Arizona Rangers for their public service.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 9-0-0-0

HB 2104: child care assistance; education; training

Sponsor: Representative Udall, LD 25

Caucus & COW

Overview

Allows the Arizona Department of Economic Security (DES) to waive all or part of the work requirement to continue providing child care assistance when a person meets educational and training requirements.

History

Statute requires DES to provide child care assistance to eligible families who are: 1) attempting to achieve independence from the cash assistance program; 2) transitioning off cash assistance due to increased earning or child support income in order to accept or maintain employment; and 3) diverted from cash assistance to obtain or maintain employment. (A.R.S. § [46-803](#))

DES may provide child care assistance for approved education and training activities if the eligible parent, legal guardian or caretaker relative is working at least a monthly average of 20 hours per week and this education and training are reasonably related to employment goals. The eligible parent, legal guardian or caretaker relative must demonstrate satisfactory progress in the education or training activity.

Provisions

1. Authorizes DES to waive all or a portion of the work requirement and continue to provide child care assistance to a qualified person enrolled full-time in an accredited educational institution, remedial education activity or training program related to the person's employment goals. (Sec. 1)
2. Maintains the current requirement for the person to demonstrate satisfactory progress in the educational or training program. (Sec. 1)
3. Requires DES to review the educational and training program being pursued by the person receiving child care assistance to verify that it is related to employment goals. (Sec. 1)
4. Requires the person to demonstrate satisfactory progress to DES. (Sec. 1)
5. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Health & Human Services

1. Removes high school diploma or high school equivalency diploma from the lists of department-approved education activities a person can pursue for DES to waive all or part of the work requirement.
2. Stipulates that the person must confirm their intent to obtain education or training that leads to a job with starting wages that would remove the need for public assistance once employed.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DP 9-0-0-0 | APPROPS DPA 10-1-0-0

HB 2550: DHS; long-term care facility surveyors.

Sponsor: Representative Dunn, LD 13

Caucus & COW

Overview

Appropriates \$3,300,000 and 44 full-time equivalents (FTEs) from the state General Fund (GF) in FY 2021 to the Arizona Department of Health Services (DHS) to hire additional long-term care facility surveyors.

History

Within DHS is the [Bureau of Special Licensing](#) (Bureau). The Bureau licenses and monitors health and child care facilities and providers throughout Arizona. Licensing inspections, on-site surveys, and complaint investigations are conducted to promote quality care and safety and ensure that performance standards are met for facility operation and maintenance. It is the mission of the Bureau to protect the health and safety of Arizonans by providing information, establishing standards and licensing and regulating health and child care services.

In September of 2019, the Arizona Auditor General issued a Performance Audit and Sunset Review, [Report 19-112](#), on DHS.

Provisions

1. Appropriates \$3,300,000 and 44 FTEs from the state GF in FY 2021 to DHS to hire additional long-term care facility surveyors. (Sec. 1)

Amendments

Committee on Appropriations

1. Reduces the \$3,300,000 appropriation to \$1,000,000.
2. Reduces the 44 FTEs to 13 FTEs.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 5-4-0-0

HB2706: interscholastic athletics; biological sex

Sponsor: Representative Barto, LD 15

Caucus & COW

Overview

Provides that an interscholastic or intramural athletic team or sport that is sponsored by an educational institution in Arizona must be based on biological sex.

History

Current law requires each governing board to consider the cultural traditions of pupils when establishing or enforcing rules related to a pupil's participation in extracurricular school activities. If district rules regulating a district's participation in an extracurricular program prohibit a student from participating because of a pupil's cultural traditions, the governing board may adopt alternative rules which would allow that pupil to participate but take into consideration the health or safety of the pupil or any other person participating in the activities ([A.R.S. § 15-247](#)).

Provisions

1. Provides that an interscholastic or intramural athletic team or sport that is sponsored by an educational institution in Arizona must be expressly designated as one of the following based on biological sex:
 - a) Males, men or boys;
 - b) Females, women or girls; or
 - c) Coed or mixed sex. (Sec. 1)
2. States that athletic teams or sports designated for females, women or girls may not be open to students of the male sex. (Sec. 1)
3. Allows, if disputed, a student to establish the student's sex by presenting a signed physician's statement that indicates the student's sex based only on all of the following factors:
 - a) The student's internal and external reproductive anatomy;
 - b) The student's normal endogenously produced levels of testosterone; and
 - c) An analysis of the student's genetic makeup. (Sec. 1)
4. Prohibits a governmental entity, a licensing or accrediting organization or an athletic association or organization from entertaining a complaint, opening an investigation or taking any other adverse action against an educational institution for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex. (Sec. 1)
5. States any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation has a private cause of action for injunctive relief, damages and any other relief available under law against the educational institution. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

6. States any student who is subject to retaliation or other adverse action by an educational institution or athletic association or organization as a result of reporting a violation to an employee, representative of the educational institution, athletic association, organization or any state or federal agency with oversight of educational institutions in Arizona has a private cause of action for injunctive relief, damages and any other relief available under law against the educational institution, athletic association or organization. (Sec. 1)
7. Asserts that any eligible institution that suffers any direct or indirect harm as a result of a violation has a private cause of action for injunctive relief, damages and any other relief available under law against the governmental entity, licensing or accrediting organization or athletic association or organization. (Sec. 1)
8. Stipulates that a civil action must be initiated within two years after the harm occurs. (Sec. 1)
9. States a person who prevails on a claim brought is entitled to monetary damages, including for any psychological, emotional and physical harm suffered, any reasonable attorney fees and costs and any other appropriate relief. (Sec. 1)
10. Defines *educational institution*. (Sec. 1)
11. Contains a severability clause. (Sec. 2)
12. Cites this act as *Save Women's Sports Act*. (Sec. 3)

Amendments

Committee on Health & Human Services

1. Contains a legislative findings and purpose clause.
2. Clarifies requirements regarding the physician's statement.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 9-0-0-0 | APPROP DPA 10-0-0-1

HB 2764: mental health omnibus.

Sponsor: Representative Weninger, LD 17
Caucus & COW

Overview

Grants the Arizona Department of Insurance (DOI) authority to enforce mental health parity, establishes the Mental Health Parity Advisory Committee, the Suicide Mortality Review Team and the Children's Behavioral Health Services Fund (Fund). Appropriates funds to the Department of Education, DOI and the Fund.

History

The [Mental Health Parity and Addiction Equity Act of 2008](#) (Act) is a federal law that prevents health care insurers that provide mental health or substance use disorder benefits from imposing less favorable financial requirements and treatment limitations on mental health or substance use disorder benefits than on medical or surgical benefits. This Act does not require large group health plans or health insurers to cover mental health and substance use disorder benefits, and its requirements only apply to insurers that choose to include such benefits. However, the Affordable Care Act builds on the Mental Health Parity and Addiction Equity Act by requiring coverage of mental health and substance use disorder services as one of ten essential health benefits categories in certain plans. ([CMS](#))

In 2018, \$3 million were appropriated from the state General Fund (GF) to expand behavioral health benefits in schools. While \$1 million of this funding is being used to provide mental health training to schools, the remaining funds are matched with federal funds to generate \$10 million to bring behavioral health providers into school settings and to pay for Medicaid-covered behavioral health services in schools. The Arizona Health Care Cost Containment System ([AHCCCS](#)) helps schools connect with providers to meet students' behavioral health needs.

Provisions

Records; Identification Cards; Definitions

1. Specifies that an insurer must comply with a request to produce documents or reports from an insurer's claim file or an insurer's record in compliance with mental health parity provisions. (Sec. 1)
2. Includes adjustment of a claim in the definition of *insurer claim file*. (Sec. 1)
3. Requires a member's health insurance identification card issued by a hospital and medical service corporation, health care services organization, or disability insurer to display the letters "AZDIFI" and a customer service telephone number. (Sec. 2)
4. Specifies that display requirements apply to identification cards for any individual or group contract, evidence of coverage or policy issued or renewed after December 31, 2021. (Sec. 2)
5. Defines *classification of benefits*, *health care insurer*, *health plan*, *Mental Health Parity and Addiction Equity Act*, *product network type*, and *treatment limits*. (Sec. 3)

Compliance with Federal Law; Report

6. Requires a health care insurer to comply with the Act. (Sec. 3)
7. Mandates that the director of DOI (Director) specify a date after January 1, 2022 by which each health care insurer must submit a report to DOI for each insured product network type the insurer issues. (Sec. 3)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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8. Requires reports to do the following:
 - a) Describe the process that is used to develop the medical necessity criteria for mental health and substance use disorder benefits and the process to develop criteria for medical and surgical benefits;
 - b) Identify nonquantitative treatment limits that are applied to mental health and substance use disorder benefits and to medical and surgical benefits within each benefit classification; and
 - c) Demonstrate that for any nonquantitative treatment limit applied to mental health and substance use disorder benefits, any factor used in applying the limit is comparable to a factor used in applying a nonquantitative treatment limit for medical and surgical benefits in the same classification. (Sec. 3)
9. Requires DOI to analyze insurer reports and evaluate health plan compliance with financial requirements and treatment limits. (Sec. 3)
10. Permits DOI to require additional information from an insurer and to analyze an insurer's large group plans through a separate, consolidated report. (Sec. 3)
11. Prohibits a health plan from applying a financial requirement or quantitative treatment limit to mental health and substance use disorder benefits that is more restrictive than the financial requirement or quantitative treatment limit applied to medical and surgical benefits in the same classification, unless the requirement or treatment limit is modified by one of the following:
 - a) Multitiered prescription drug benefits;
 - b) Multiple network tiers; or
 - c) Subclassifications allowed for office visits that are separate from other outpatient services. (Sec. 3)
12. Requires a health insurer to file the required report every three years. (Sec. 3)
13. Requires a health insurer to file a summary of changes made to medical necessity criteria and nonquantitative treatment limits and a written attestation that states that the health care insurer is compliant with the Act in the years when a report is not required. (Sec. 3)
14. Permits DOI to require an insurer to answer additional questions related to the summary of changes. (Sec. 3)
15. Requires a health care insurer, three years after the original report is submitted, to either:
 - a) File an updated report; or
 - b) Resubmit the currently filed report if the insurer also files a written attestation to DOI that specifies that there have been no changes. (Sec. 3)
16. Restricts DOI from requiring an additional filing or report from a health care insurer if the insurer has provided the required information in an existing filing or report. (Sec. 3)
17. Requires DOI to analyze a health care insurer's existing filing or report to determine compliance with report requirements. (Sec. 3)
18. Allows DOI to establish by rule the terms regarding required resubmittal of information. (Sec. 3)
19. Specifies that all reports and documents provided by an insurer to the Director are confidential. (Sec. 3)

Enforcement and Oversight

20. Requires DOI to enforce this chapter. (Sec. 3)
21. Requires DOI to develop a web page by January 1, 2021, which provides in clear language the following:
 - a) Information on the Act and the mental health parity requirements that apply to insurers; and

- b) A step-by-step guide with supporting information that explains how consumers can file an appeal or complaint with DOI. (Sec. 3)
- 22. Requires DOI, by January 1, 2022, to post to the web page a summary of the reports filed by insurers, including conclusions about industry compliance with the Act. (Sec. 3)
- 23. Prohibits DOI from posting information that contains proprietary or confidential information of an insurer or enables a person to determine the identity of an insurer. (Sec. 3)
- 24. Requires DOI to include in its annual report a summary of all stakeholder outreach and regulatory activity. (Sec. 3)

Access to Behavioral Health Services for Minors

- 25. Prohibits an insurer that issues a health plan that includes mental health or substance use disorder benefits from denying a claim for mental health or substance use disorder benefits for a minor solely on the grounds that the service was provided in an educational setting or ordered by a court if the service was provided by an in-network or out-of-network provider as allowed by the health plan that covers the insured. (Sec. 3)
- 26. Permits an insurer to reject a claim or refuse reimbursement for a service provided by an out-of-network provider. (Sec. 3)
- 27. Allows an insurer to require that mental health or substance use disorder services provided in an educational setting be provided in an appropriate location and in a manner compliant with applicable laws, including privacy laws. (Sec. 3)
- 28. Specifies that claims for covered services that are provided by an out-of-network provider and that are not covered by an insured's health plan must be paid from the Children's Behavioral Health Services Fund. (Sec. 3)

Mental Health Parity Advisory Committee

- 29. Establishes the Mental Health Parity Advisory Committee (Committee) to advise the Directors of DOI and DHS relating to matters of mental health parity. (Sec. 3)
- 30. Outlines the requirements for members appointed to the Committee. (Sec. 3)
- 31. Allows the Director of AHCCCS to serve in an advisory capacity at the request of the Director of DOI or the Director of DHS. (Sec. 3)
- 32. Terminates the Committee on July 1, 2028. (Sec. 3)

Suicide Mortality Review Team

- 33. Establishes the Suicide Mortality Review Team (Team). (Sec. 4)
- 34. Outlines the requirements for members appointed to the Team. (Sec. 4)
- 35. Requires the Team to:
 - a) Develop a suicide mortalities data collection system;
 - b) Conduct an annual analysis on the incidences and causes of suicides in Arizona in the preceding year;
 - c) Assist in the development of local suicide mortality review teams;
 - d) Develop standards for local suicide mortality review teams;
 - e) Develop protocols for suicide investigations;

- f) Study the adequacy of statutes, ordinances, rules, training, and services to determine what changes are needed to prevent suicides and take appropriate steps to implement these changes;
 - g) Educate the public on the causes and prevention of suicide; and
 - h) Designate a member of the Team to serve as chairperson. (Sec. 4)
36. Specifies that members of the Team cannot receive compensation but may receive reimbursement for expenses. (Sec. 4)
37. Requires DHS to provide professional and administrative support to the Team. (Sec. 4)
38. Terminates the Team on July 1, 2028. (Sec. 4)

Access to Information

39. Allows the chairperson of the Team or a local team to request information and records regarding a suicide being reviewed by the Team, which they must be provided within five days. (Sec. 4)
40. Allows the Team to request information from:
- a) A provider of medical, dental or mental health care;
 - b) A health care insurer; or
 - c) The state or political subdivision of the state. (Sec. 4)
41. Allows a law enforcement agency to withhold records from a Team if they might interfere with a pending criminal investigation or prosecution. (Sec. 4)
42. Allows the Director of DHS to apply to the superior court for a subpoena to compel the production of evidence related to a person who died by suicide and specifies that a subpoena must be served and enforced. (Sec. 4)
43. Permits law enforcement to withhold information requested under a subpoena if the evidence relates to a pending criminal investigation or prosecution. (Sec. 4)
44. Prohibits the Team from keeping records containing identifying information and requires records to be returned to the organization completing the review. (Sec. 4)
45. Provides that all information and records obtained by the Team are confidential and not subject to subpoena, discovery or introduction into a civil or criminal proceeding unless they are available from other sources that are not immune from subpoena, discovery, or introduction into a civil or criminal proceeding. (Sec. 4)
46. Prevents Team members and persons present at a Team meeting from being questioned in a civil or criminal proceeding regarding information presented in a meeting. (Sec. 4)
47. Allows a Team member to contact, interview or obtain information by request or subpoena from a family member of a person who died by suicide. (Sec. 4)
48. Requires Team meetings to be closed to the public if the Team is reviewing information on a person who died by suicide and specifies that other Team meetings are open to the public. (Sec. 4)
49. Specifies that a person who violates confidentiality requirements of this section is guilty of a class 2 misdemeanor. (Sec. 4)

Children's Behavioral Health Services Fund

50. Establishes the Children's Behavioral Health Services Fund (Fund), consisting of appropriated monies, gifts or donations to the Fund and interest earned on those monies, and requires the Director of AHCCCS to administer the Fund. (Sec. 5)
51. Stipulates that monies in the Fund are exempt from lapsing and are continuously appropriated. (Sec. 5)
52. Requires AHCCCS to enter into an agreement with one or more contractors for children's behavioral health services using monies from the Fund and specifies that the agreement must require that:
 - a) The monies allocated not be used for persons who are eligible for Medicaid or the State Children's Health Insurance Program;
 - b) Preference be given to persons with lower household incomes;
 - c) The contractor make payments to providers based on contracts with providers or at the capped fee schedule established by the administration;
 - d) The contractor submit monthly expenditure reports for reimbursement of services; and
 - e) AHCCCS not be held financially responsible for costs incurred by the contractor in excess of the monies allocated in the agreement. (Sec. 5)
53. Requires AHCCCS to act as the payor of last resort for eligible persons. (Sec. 5)
54. Specifies that, upon receipt of services, a person is deemed to have assigned to AHCCCS all rights to any medical benefit to which the person is entitled. (Sec. 5)
55. Specifies that this section does not establish entitlement for a person to receive a particular service or a duty for AHCCCS to provide services or spend monies in excess of monies in the fund. (Sec. 5)

Child Fatality Review Fund

56. Requires DHS to use monies from the Child Fatality Review Fund to staff, train and support the Teams. (Sec. 6)
57. Requires fee revenue in excess of \$200,000, rather than \$100,000, in any fiscal year to be appropriated from the Child Fatality Review Fund to the Child Abuse Prevention Fund. (Sec. 6)

Behavioral Health Services in School

58. Requires the Department of Education to contract with a research entity to conduct a study to determine the adequacy of behavioral health services in Arizona schools by January 1, 2021. (Sec. 7)
59. Requires the Department of Education, the Board of Education and AHCCCS to convene a stakeholder group that represents urban, suburban, rural and tribal communities to recommend the scope and sequence of the request for proposals to identify an appropriate research entity. (Sec. 7)
60. Outlines the required members of the stakeholder group. (Sec. 7)
61. Requires AHCCCS to provide data to the stakeholder group. (Sec. 7)
62. Requires the research entity to:
 - a) Survey school districts and charter schools identified and identify how they deliver behavioral health services;

- b) Identify the behavioral health community organizations and associations that serve school counselors, school social workers and school psychologists;
 - c) Identify best practices relating to the provision of behavioral health services for all pupils in public schools;
 - d) Determine total costs to schools and providers and the barriers that exist in behavioral health services in the school environment; and
 - e) Make recommendations on how the quality and accessibility of behavioral health services may be increased in public schools. (Sec. 7)
63. Requires the Department of Education, the Board of Education, and AHCCCS to reconvene the stakeholder group to evaluate the findings and recommendations provided by the research entity. (Sec. 7)
64. Requires the Department of Education to submit a report including the stakeholder group's evaluation and summarizing the research study's findings and conclusions by June 30, 2023. (Sec. 7)
65. Repeals this section on December 31, 2023. (Sec. 7)

Rulemaking: DOI

66. Requires DOI, by January 1, 2022, to adopt by rule:
- a) Forms that healthcare insurers must use to prepare reports; and
 - b) Standards to determine compliance with the Act. (Sec. 8)
67. Allows DOI to allow health care insurers to demonstrate compliance with federal law by other means accepted by DOI. (Sec. 8)
68. Requires the department, in developing the forms, to:
- a) Conduct workshops and listening sessions to obtain stakeholder input; and
 - b) Review the U.S. Department of Labor's self-compliance tool for the Act. (Sec. 8)

Rulemaking: DHS

69. Requires DHS to adopt rules on discharging patients who have attempted suicide or exhibit suicidal ideation and specifies that the rules must include protocols based on best practices. (Sec. 9)
70. Stipulates that the rules address:
- a) The availability and contact information of age appropriate crisis services;
 - b) Information and referrals to the next level of care after discharge;
 - c) Information on review and appeals processes, including referring patients and caregivers to information on the DOI website relating to how to challenge an adverse decision by a health care insurer or health plan; and
 - d) Conducting a suicide assessment before discharging a patient and informing the patient and caregivers of the results. (Sec. 9)
71. Exempts DHS from the rulemaking requirements for 18 months. DHS must provide public notice and an opportunity for public comment. (Sec. 9)

Appropriations

72. Appropriates \$300,000 from the state GF in fiscal year (FY) 2021 to the Department of Education to distribute to the selected research entity, exempts this appropriation from lapsing, and specifies that any funds left unexpended on July 1, 2023 revert to the GF. (Sec. 10)
73. Appropriates \$200,000 and one FTE position from the state GF in FY 2021 to DOI to administer the statutes on mental health parity and exempts this appropriation from lapsing. (Sec. 11)
74. Appropriates \$8,000,000 from the state GF in FY 2021 to the Children's Behavioral Health Services Fund to pay contractors for services and exempts this appropriation from lapsing. (Sec. 12)

Short Title

75. Cites this act as *Jake's Law*. (Sec. 13)

Amendments

Committee on Health and Human Services and Committee on Appropriations

1. Requires the website developed by DOI to display a link to the U.S. Department of Labor website or a related site that provides information on consumer appeals or complaints.
2. Mandates that mental health services provided in a school setting comply with parental consent laws.
3. Specifies that the Committee must have at least three members or family members who are not employed by the state who have been affected by suicide, substance abuse or mental health disorder.
4. Requires the Committee to have at least one member who represents a hospital that provides inpatient behavioral health services.
5. Adds to the Team a health care professional from a statewide association representing nurses.
6. Specifies that a member of the Team may only request information from a relative of a person who died by suicide if approved by the Team.
7. Stipulates that children who receive behavioral health services paid by the Fund must be:
 - a) 18 years old or younger;
 - b) Uninsured or underinsured;
 - c) Referred by an educational institution;
 - d) Have written parental consent to obtain services;
 - e) Receive services from a licensed professional who is a contract provider; and
 - f) Receive services on or off school grounds.
8. Specifies that before a school can provide referrals for behavioral health services, the governing board must adopt policies relating to school-based referrals, including:
 - a) A process to allow parents to annually opt in to school based referrals;
 - b) A process to conduct a survey of parents whose children received services pursuant to this section; and
 - c) A requirement that the school website have a list of contracted providers.
9. Requires schools to annually report to AHCCCS the survey results.
10. Requires AHCCCS to compile the survey results and provide a report.
11. Mandates that AHCCCS conduct a survey of public schools to obtain information on the referral of behavioral health services to students.
12. Strikes the requirement for the Department of Education to contract with a research entity to conduct a study to determine the adequacy of behavioral health services offered in school districts.

13. Adjusts the date by which DOI must adopt rules from January 1, 2022 to April 1, 2021.
14. Requires DHS to adopt rules relating to admitting patients who have attempted suicide and requires these rules to include providing information to patients and caregivers on a continuum during the stay, including at admission and discharge.
15. Strikes the appropriation to the Department of Education.
16. Increases the appropriation to DOI from \$200,000 to \$250,000.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DP 8-1-0-0

HB 2784: medical marijuana; research; grants

Sponsor: Representative Payne, LD 21

Caucus & COW

Overview

Establishes a Medical Marijuana Research Committee (MMRC) to provide grants for marijuana research studies on the safety and efficacy of using marijuana for medical purposes.

History

In 2010, the Arizona Medical Marijuana Act (AMMA) was established through [Proposition 203](#), a voter-approved initiative measure. Statute requires the Arizona Department of Health Services to regulate the AMMA through rulemaking, registration and certification of medical marijuana dispensaries, registration of qualifying patients and designated caregivers, issuing or denying registry identification cards and establishing a verification system. Statute also outlines limitations of the AMMA, requirements for dispensaries, definitions of terms relating to the AMMA, guidelines on the dispensing of marijuana and the administration of the Medical Marijuana Fund (Fund). ([A.R.S. Title 36, Chapter 28.1](#))

Provisions

1. Requires DHS to establish a MMRC to oversee and provide grants from monies in the Fund for marijuana research studies on the safety and efficacy of using marijuana for medical purposes and any related adverse events and the impacts of marijuana interactions with prescription drugs. (Sec. 1)
2. States that grants provided are exempt from the requirements of solicitation and award of grants provisions. (Sec. 1)
3. Requires that the study be conducted by a nonprofit entity or in a university setting, include at least two sites in this state and be approved by an institutional review board. (Sec. 1)
4. States a person who receives a grant for a marijuana research study and any of the person's employees working on the research study may not be charged with or prosecuted for possession of marijuana that is cultivated for medical use when the person is working on the research study. (Sec. 1)
5. Allows monies in the Fund to be used to provide grants relating to marijuana research. (Sec. 2)
6. Requires for enactment a three-quarters vote. (Sec. 3)

☒ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DP 9-0-0-0

HB 2824: pharmacy board; nonprescription drugs; diversion

Sponsor: Representative Barto, LD 15

Caucus & COW

Overview

Eliminates the requirement for a person or a wholesaler to have a permit to sell nonprescription drugs and clarifies mandatory reporting requirements of certain misdemeanors charges.

History

The Pharmacy Board ([Board](#)) licenses, regulates and conducts examinations of pharmacists and issues permits to distributors of approved medications. The Board also educates pharmacists and the general public on the proper distribution and use of these medications.

Provisions

1. Amends the definition of *full services wholesale permittee* by removing a reference of over-the-counter drugs and devices. (Sec. 1)
2. Removes the definition of *nonprescription drug*. (Sec. 1)
3. Removes *nonprescription drug permittee* from the list of places the Board or its agents may enforce its rules. (Sec. 3)
4. Clarifies that the Board may grant permission to deviate from a state requirement for modernization of pharmacy practice, experimentation or technological advances. (Sec. 3)
5. Allows an applicant for licensure the opportunity to correct the inaccurate information within 30 days after the initial application was reviewed by Board staff and the applicant was informed of inaccuracy. (Sec. 3)
6. Specifies that the Board may, rather than must, subsequently formally adopt the interim consent agreement with any modifications the Board deems necessary. (Sec. 3)
7. Changes the amount of time an applicant or licensee can provide requested documents to the Board from fourteen to thirty business days, if the applicant or licensee has been charged with or convicted of a criminal offense. Removes the option for the executive director to suspend the licensee and open a complaint for unprofessional conduct. (Sec. 3)
8. Clarifies that the executive director may notify the licensee of an opportunity for a hearing to consider suspension of the licensee if the applicant or licensee fails to provide documents requested by the Board. Allows the executive director to review prescription information. (Sec. 3)
9. Requires the Board to develop substantive policy statements for each specific licensing and regulatory authority the Board delegates to the executive director. (Sec. 3)
10. Repeals [A.R.S. § 32-1904](#), as amended by Laws 2019, chapter 320, Section 1, relating to the powers and duties of the Board. (Sec. 4)
11. Stipulates a person is not required to hold a Board-issued permit to sell only nonprescription drugs at retail in original packages. (Sec. 5)
12. Eliminates licensing and permitting requirements for *nonprescription drugs*. (Sec. 6, 7, 8)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

13. Removes *nonprescription drug wholesale* from the list of classes or permits the Board may issue. (Sec. 7)
14. Removes *over-the-counter* from the lists of reasons that a third-party logistics provider must hold a permit in this state. (Sec. 9)
15. Removes *over-the-counter* from the lists of reasons that a third-party logistics provider must have a designated representative at each facility who has not been convicted of any felony violation under any federal, state or local law. (Sec. 9)
16. Specifies a person who is licensed or permitted is not subject to:
 - a) An investigation, a civil penalty or any other disciplinary action for failing to disclose a criminal charge if the criminal charge is more than four years old and does not involve the following:
 - i. Sexual misconduct;
 - ii. An incident or occurrence involving a felony; and
 - iii. Diversion of a controlled substance or impairment while practicing; or
 - b) A civil penalty or any other disciplinary action for failing to report a criminal charge if the licensee or permittee has disclosed the charge in any manner, including a renewal application, even if the disclosure occurred after the 10-working day period. (Sec. 10 and 12)
17. Limits the time a disciplinary action against a licensee or certificate holder must be available on the health profession regulatory board's website to not more than five years. (Sec. 11)
18. Clarifies that diversion of a controlled substance does not include administrative errors or recordkeeping violations when there is not evidence of an actual loss of a controlled substance. (Sec. 12)
19. Requires each licensing authority to retain on its website all final decisions, orders and actions the licensing authority takes not later than five days after the meeting and retain this information on its website for at least three years, but not more than five years. (Sec. 13)
20. Makes technical and conforming changes. (Sec. 1, 2, 3, 6 7, 8, 10, 11 and 12)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ELECT DP 6-4-0-0

HB 2827: elections; tabulation review; referral; logs

Sponsor: Representative Finchem, LD 11

Caucus & COW

Overview

Instructs the county recorder or other officer in charge of elections to conduct a hand count if certain conditions apply.

History

The election judge is required, for any primary, special or general election where the votes are cast on an electronic voting machine, to compare the number of votes cast as indicated on the machine with the number of votes cast as indicated on the poll list.

Current statute requires the county officer in charge of elections to conduct a hand count at a secure facility for each countywide primary, special, general and presidential preference election. The hand count must be conducted as prescribed by the Elections Procedures Manual and has specific requirements outlined in statute ([A.R.S. § 16-602](#)).

Provisions

1. Stipulates that the following is required of a county recorder or other officer in charge of elections when the number of ballots cast exceeds the number of registered voters on the 29th day before the date of the election:
 - a) Conduct a hand count for that precinct; and
 - b) Post the results of the hand count on the website of the county recorder or other officer in charge of elections. (Sec. 1)
2. Requires the county recorder or other officer in charge of elections, within 10 days of the official canvass to:
 - a) Publish the error logs, if any, in a newspaper of general circulation in the county for all tabulating equipment that was used in the election; and
 - b) Certify that the tabulating equipment was not connected to an external internet network between 24 hours before early ballot tabulation through the completion of ballot tabulation. (Sec. 1)
3. States that a person will be referred to the United States Department of Justice for investigation if the county recorder or other officer in charge of elections determines that they have cast more than one ballot in an election where a federal candidate appears on the ballot. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ELECT DP 6-4-0-0

HCR2039: initiative; referendum; signatures; legislative districts

Sponsor: Representative Finchem, LD 11

Caucus & COW

Overview

Modifies the constitutional requirements for proposing an initiative or referendum.

History

The State Constitution gives the people of Arizona the power to propose laws and amendments to the Constitution. With the initiative power, 10% of the qualified electors have the right to propose any measure through an initiative petition. The initiative petition will be addressed to specific city, town, county or state officials. The petition includes the petitioner's name, residential address, the date of signing and a declaration stating that they are a qualified elector in the state or of the city, town or county. The correct title and text of the proposed measure must be attached to every sheet of the petitioners' signatures. For the referendum power, the Legislature or 5% of the qualified electors may submit a measure to be on the ballot ([AZ Const. Art. IV, Part I, § 1](#)).

Provisions

1. Requires one-thirtieth of the number of signatures needed to propose a *statewide measure* or a constitutional amendment to be from each legislative district.
2. Specifies that referendum requirements apply to *statewide measures*.
3. Directs the Secretary of State to submit this proposition to the voters at the next general election.
4. Contains a legislative intent clause.
5. Makes technical and conforming changes.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: APPROP DPA/SE 9-1-0-1

HB 2072: mental health professionals; loan repayment
S/E mental health professionals academy; appropriation
Sponsor: Representative Blackman, LD 6
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2072

Overview

Directs Northern Arizona University (NAU) to implement a three-year Arizona Mental Health Professional's Academy Pilot Program (Academy) and outlines funding and participation requirements. Appropriates \$5,000,000 from the state GF in FYs 2021 through 2023.

History

Established in 1899, [NAU](#) is one of 3 public universities governed by the Arizona Board of Regents (ABOR). The university's primary focus is undergraduate residential education.

Current law requires any student loan program, student grant program or other financial assistance program established or administered by this state must treat the balance in an account of which the student is designated beneficiary as neither an asset of the parent of the designated beneficiary nor as a scholarship, a grant or an asset of the student for determining a student's or parent's income, assets or financial need. This applies to any state appropriated financial assistance program administered by a college or university in this state and does not apply if any following conditions exist: 1) federal law requires all or a portion of the amount in an account to be taken into consideration in a different manner; 2) federal benefits could be lost if all or a portion of the amount in an account is not taken into consideration in a different manner; and 3) a specific grant establishing a financial assistance program requires that all or a portion of the amount in an account to be taken into consideration ([A.R.S. § 15-1877](#))

Outlined in statute are the duties of the Director of Arizona Department of Corrections (ADC), which include, but are not limited to: 1) holding in custody all persons who are sentenced to ADC under the law and for the term directed by the court; 2) providing medical and health services for the prisoners by contracting professional services and ensuring that medical records are retained only by authorized medical personnel and kept in a safe and secure place; 3) charging each inmate a reasonable fee for prescriptions, medication or prosthetic devices; and 4) establishing reasonable medical and health services fees for each medical visit an inmate makes pursuant to a health needs request form or for emergency treatment. ([A.R.S. § 31-201.01](#))

Provisions

1. Directs Northern NAU to implement a three-year Arizona Mental Health Professional's Academy Pilot Program to provide incentives for students to enter the mental health profession and to commit to working as a mental health professional in Arizona public schools, or in a correctional facility operated by ADC or Department of Juvenile Corrections (ADJC). (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

2. Requires NAU to develop and implement administrative processes for the academy, including:
 - a) A marketing and promotion plan to recruit students for the academy;
 - b) Data collection and reporting;
 - c) Tracking postgraduation service requirements; and
 - d) Collecting reimbursement from individuals who fail to meet service obligations. (Sec. 1)
3. States the Academy may include new or existing mental health professional preparation program pathways that are student-focused and that employ proven, research-based models of best practices already being implemented. (Sec. 1)
4. Allows NAU to develop a portfolio of mental health professional preparation programs to offer as part of the Academy. (Sec. 1)
5. Requires NAU to develop formalized partnerships with ADC, ADJC and public schools in this state to build commitments for mental health professional employment on completion of the Academy. (Sec. 1)
6. States the targeted deployment of mental health professionals who have completed the Academy must be based on the needs of ADC, ADJC and on each school system and the community that is being served as well as the individual skills of each mental health professional. (Sec. 1)
7. Requires NAU to provide to each full-time master student who is enrolled in the Academy an annual scholarship of \$10,000 per year for a maximum of three academic years or six semesters for master students, after all other financial gifts, aid or grants received by that student. (Sec. 1)
8. States that scholarships are subject to all of the following:
 - a) If the student does not successfully complete the academic year in good academic standing, the student must reimburse NAU for the total amount of the scholarship for tuition and fees the student received for that year
 - b) For each academic year that the student successfully completes and for which the student receives a scholarship for all tuition and fees, the student must agree to work as a mental health professional for one full school year in a public school in this state or in a correctional facility operated by ADC or ADJC;
 - c) If the scholarship does not cover remaining tuition and fee costs after other aid received, NAU may not charge students the remaining difference.
 - d) If the scholarship amount exceeds tuition and fee costs at NAU, NAU may use the remaining amount to support the Academy;
 - e) If the student does not fulfill the student's obligation to work as a mental health professional in a correctional facility operated by ADC or ADJC, or a public school in this state, the student must reimburse NAU for the proportional amount of the scholarship for tuition and fees that the student received that corresponds to the number of years the student agreed to work as a mental health professional but did not work as a mental health professional in a correctional facility operated by ADC or ADJC, or a public school in this state;
 - f) If the student is physically or mentally unable to fulfill the requirements of the Academy, NAU must establish a process for assessing the student's ability to repay the financial assistance received and must determine any terms of repayment; and

- g) NAU must establish a process for deferring service or repayment based on factors adopted by NAU. (Sec. 1)
- 9. Specifies that scholarships provided are limited to master's students. (Sec. 1)
- 10. Establishes the Arizona Mental Health Professionals Academy Fund (Fund) consisting of legislative appropriations made for the purpose of administering and funding the Academy. (Sec. 1)
- 11. States that the monies in the Fund are continuously appropriated and exempt from lapsing. (Sec. 1)
- 12. States that monies in the Fund may be used only for:
 - a) Reimbursing scholarships that cover the balance of tuition and fees for master students enrolled in the Academy after all other gifts and aid received;
 - b) Implementing a marketing and promotion plan to recruit and retain students in and administer the Academy; or
 - c) Academy expenditures for marketing, promoting and administering the academy, which may not exceed three percent of the monies in the fund each fiscal year. (Sec. 1)
- 13. Stipulates that monies in the Fund at the end of each fiscal year may be used by NAU for Academy costs in the next fiscal year. (Sec. 1)
- 14. Requires NAU, on or before March 1, of 2021, 2022 and 2023, to report to the Joint Legislative Budget Committee (JLBC) and the Governor's Office of Strategic Planning and Budgeting (OSPB) on all of the following:
 - a) The total number of students enrolled in the Academy in the current academic year; and
 - b) The estimated amount of monies committed from the Academy fund in the current fiscal year. (Sec. 1)
- 15. Requires NAU, on or before September 1, of 2021, 2022 and 2023, to report to the Governor, President of the Senate and Speaker of the House of Representatives, including a copy to the secretary of state, on all of the following:
 - a) The total number of students enrolled in the Academy by year of college enrollment;
 - b) The percentage of students who completed each year of the Academy and who plan to continue to the subsequent year, delineated by each mental health professional preparation program offered as part of the Academy;
 - c) The number of mental health professionals who completed a program of study through the Academy;
 - d) The number of mental health professionals currently working in a correctional facility operated by ADC or ADJC, or a public school in this state as part of an agreement for receiving an Academy scholarship;
 - e) The number of students who have defaulted on their obligation and who are in repayment agreements;
 - f) The number of students who have deferred repayment agreements;
 - g) The number of students who have completed repayment agreements; and
 - h) The amount of unused monies in the Fund from the prior fiscal year. (Sec. 1)

16. Defines terms. (Sec. 1)
17. Repeals program January 1, 2030. (Sec. 1)
18. Appropriates \$5,000,000 from the state GF in FYs 2021 through 2023to the Fund. (Sec. 1)
19. Contains a retroactivity clause of June 30, 2020. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DISC/HELD | APROPS DP 10-0-0-1-0-0

HB 2573: appropriation; laboratory; Navajo technical university

Sponsor: Representative Tsosie, LD 7

Caucus & COW

Overview

Appropriates \$3,000,000 from the state General Fund to the Arizona Department of Administration (ADOA) in FY 2021 to distribute to the Navajo Technical University (NTU) to develop and construct an environmental testing laboratory on its campus in Chinle, Arizona.

History

The NTU began as the Navajo Skill Center in 1979, which offered a way for Navajo Nation members to learn a trade. In 2013, this institution changed its name and became a technical-vocational tribal university that offers certificates, associate degrees, bachelor's degrees and master's degrees ([NTU History](#)). NTU offers these degrees in programs such as applied science, science, arts and fine arts ([NTU Academics](#)). NTU's main campus is in Crownpoint, New Mexico, but it has instructional sites in Chinle and Teec Nos Pos in Arizona and Kirtland and Zuni in New Mexico ([NTU](#)). As of the Fall 2018 semester, it enrolled 855 full-time, degree-seeking, undergraduate students in credit programs ([NTU](#)).

The ADOA provides general support services to state agencies, including accounting, financial, purchasing, building and grounds maintenance, personnel, information technology, travel reduction and risk management services ([A.R.S. § 41-701 et seq.](#)).

Provisions

1. Appropriates \$3,000,000 from the state General Fund to the ADOA in FY 2021 to distribute to the NTU to develop and construct an environmental testing laboratory on its campus in Chinle, Arizona. (Sec.1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: APPROP DPA 8-1-0-2

HB 2641: elderly assistance fund; state treasurer

Sponsor: Representative Carroll, LD 22
Caucus & COW

Overview

Establishes the Elderly Assistance Fund (Fund) administered by the State Treasurer, delineates its sources and uses and appropriates \$3,700,000 from the General Fund to the Fund in fiscal year 2021.

History

The Elderly Assistance Fund can be established by the board of supervisors in a county with a population of more than two million persons and will be administered by the County Treasurer. The purpose of the Fund is to reduce the primary school district taxes for qualified individuals. A qualified individual is and individual that:

1. Lives in an organized school district;
2. Is sixty-five years of age or older;
3. Has an annual income of less than 400% of the supplemental security income benefit rate if the property has one owner or of less than 500% the supplemental security income benefit rate if the property is owned by two or more individuals.; and
4. Has applied to and been accepted for a property valuation protection option on their primary residence that is under ten acres of undeveloped appurtenant land. ([A.R.S § 42-17401](#))

The county treasurer receives and safely keeps, apply and pays the monies of the county, keeping a receipt of received and disbursed monies. ([A.R.S § 11-493](#))

The State Treasurer authenticates writings and documents certified by him, receives and keeps all monies to the state that aren't not being kept by another entity and keeps an account of all monies received and disbursed. ([A.R.S § 41-172](#), [Article IX, Section 18, subsection 7 of the Arizona Constitution](#))

Provisions

1. Establishes the Elderly Assistance Fund administered by the State Treasurer and delineates the source and purpose of the fund. (Sec. 2)
2. Requires the state Treasurer to invest and divest monies in the fund, monies earned from investment shall be credited to the fund. (Sec. 2)
3. Stipulates that the state Treasurer distribute the monies in the Elderly Assistance Fund to each county treasurer for the purpose of reducing the primary school district taxes of qualified individuals. (Sec. 2)
4. Requires the county treasurer to send a report by June 30th of each year to the State Treasurer concerning the number of individuals in the county that are eligible. (Sec. 2)
5. Directs the state Treasurer to determine each year the total amount of monies in the Fund, the total number of qualified individuals statewide as reported by each county and the total amount of monies to distribute proportionately to each county. (Sec. 2)
6. Requires each county treasurer to use monies distributed by the state Treasurer to proportionately reduce the primary school district taxes that are levied against the property of all qualified individuals in the county for the following tax year. (Sec. 2)

7. Defines *qualified individual* as an individual who lives in an organized school district and who is approved for the property valuation protection option pursuant to Article IX, Section 18, subsection 7 of the Arizona Constitution. (Sec. 2)
8. Repeals the previous Elderly Assistance Fund administered by the Maricopa County Treasurer. (Sec. 3)
9. Appropriates \$3,700,000 from the General Fund in FY 2021 to the Elderly Assistance Fund. (Sec. 4)
10. Monies in the Fund are continuously appropriated. (Sec. 2)
11. Exempts the appropriation from lapsing. (Sec. 2)
12. Contains a legislative intent clause. (Sec. 2)

Amendments

Committee on Appropriations

1. Stipulates that if a county Treasurer fails to provide the report on qualified individuals by June 30th of each year that the state Treasurer will not distribute monies to that county that would otherwise be distributed from the Fund for the following fiscal year.
2. Adds a delayed effective date of December 31, 2020.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: APPROP DP 6-4-0-1

HB 2898: empowerment scholarships; qualified schools; parent

Sponsor: Representative Cobb, LD 5

Caucus & COW

Overview

Modifies the definition of qualified schools to allow qualified students who meet certain residency requirements to use Arizona Empowerment Scholarship Account (ESA) monies to attend a nongovernmental school located in an adjacent state within two miles of the Arizona border.

History

Arizona ESAs are administered by the Arizona Department of Education (ADE) to pay for specified educational expenses for students whose parents opt for their child to attend a qualified nongovernmental school ([A.R.S. § 15-2402](#)).

To qualify for the ESA program, a student must reside in Arizona, including living within the boundaries of an Indian reservation within the state. Under current law, a *qualified school* is a nongovernmental primary or secondary school or a preschool for pupils with disabilities that is located in Arizona and that does not discriminate on the basis of race, color or national origin ([A.R.S. § 15-2401](#)).

Provisions

1. Expands the definition of *qualified schools* to include nongovernmental schools located in an adjacent state within two miles of the Arizona border (for qualified students who reside within the boundaries of an Indian reservation in Arizona). (Sec. 1)
2. Expands the definition of *qualified schools* to include schools located in the adjacent state within two miles of the border (for qualified students who reside within a town in Arizona):
 - a) With a population of less than 10,000 persons;
 - b) That is within a county with a population of more than 150,000 persons but less than 500,000 persons; and
 - c) That is part of a community that is split between Arizona and an adjacent state. (Sec. 1)
3. Modifies the definition of parent to include the stepparent of a qualified student. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: APPROP DP 6-4-0-1

HCR 2008: school finance; payment deferrals; prohibition

Sponsor: Representative Petersen, LD 12

Caucus & COW

Overview

Proposes to the voters an amendment to the Arizona Constitution to prohibit the Legislature from deferring a payment to a school district that is scheduled by law in one fiscal year to the next fiscal year.

History

Statute establishes a formula for equalizing per-pupil spending among school districts that is funded through a combination of local property taxes and state equalization support. This state equalization support primarily comes from Basic State Aid (BSA) that is funded through the state General Fund and based on pupil counts ([A.R.S. § 15-971 et seq](#)).

Beginning in 2008, the Legislature began rolling over part of school districts' annual BSA to the next fiscal year to address shortfalls in state revenues.

As of January 2020, the current rollover is \$930,727,700 which consists of:

- \$272,627,000 from the original FY 2008 rollover;
- \$330,000,000 from an additional FY 2009 rollover;
- \$350,000,000 from an additional FY 2010 rollover; and,
- (\$21,900,000) to exempt school districts with less than 600 students pursuant to [Laws 2013, 1st Special Session, Chapter 1, Section 2](#).

[Laws 2020, Chapter 263, Section 164](#) appropriates \$30,000,000 from the GF in FY 2022 for BSA to eliminate the rollover for school districts with a student count of less than 1,350.

Provisions

- Proposes to the voters an amendment to the Arizona Constitution to prohibit the Legislature from deferring a payment to a school district that is scheduled by law in one fiscal year to the next fiscal year.
- Requires the Secretary of State to submit the proposition to the voters at the next general election.
- Become effective if approved by voters and on proclamation of the Governor.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DP 6-4-0-0

HB 2797: aggravated assault; security guard; definition

Sponsor: Representative Payne, LD 21

Caucus & COW

Overview

Classifies assaulting a security guard as aggravated assault and classifies this action as a class 6 felony.

History

A person commits assault if the following occur: 1) a person intentionally, knowingly or recklessly causes physical injury to another person, which is a class 1 misdemeanor; 2) a person intentionally puts another person under threat of imminent physical injury, which is a class 2 misdemeanor; or 3) a person knowingly touches another person with the intent to injure, insult or provoke the person, which is a class 3 misdemeanor. ([A.R.S. § 13-1203](#))

A person commits aggravated assault and is charged with a class 6 felony while knowing or having reason to know that a victim is any of the following: 1) a peace officer or a person summoned and directed by the officer; 2) a constable or a person summoned and directed by the constable engaged in official duties or assaulted as a result of official duties; 3) a firefighter, fire investigator, fire inspector, emergency medical technician or a paramedic or a person summoned and directed by the officer while engaged in official duties or assaulted as a result of official duties; 4) a teacher or other school employee on or around school grounds, visiting a private home for school related duties or participating in a classroom activity held off school grounds; 5) a health care practitioner or a person summoned and directed by the practitioner assaulted while engaged in official duties, except in cases where the assailant is seriously mentally ill, has alzheimer's or dementia; 6) a prosecutor assaulted while engaged in official duties or as a result of official duties; 7) a code enforcement officer assaulted while engaged in official duties or as a result of official duties; 8) a state or municipal park ranger assaulted while engaged in official duties or from the result of official duties; 9) a public defender assaulted while engaged in official duties or as a result of official duties; or 10) a judicial officer assaulted while engaged in official duties or as a result of official duties.

Current law clarifies that aggravated assault committed on a prosecutor or peace officer can range from a class 2 felony to a class 6 felony. ([A.R.S. § 13-1204](#))

Provisions

1. States a person commits aggravated assault if the person knows or has reason to know that the victim is a security guard engaged in official duties or the assault results from a security guard's performance of official duties. (Sec. 1)
2. Classifies aggravated assault against a security guard as a class 6 felony. (Sec. 1)
3. Defines the term *security guard*. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DP 10-0-0-0

HCR2033: second amendment; supporting
Sponsor: Representative Carroll, LD 22
Caucus & COW

Overview

Declares the Legislature's commitment to the right to keep and bear arms as outlined in the Constitution of the United States and the Constitution of Arizona.

History

The second amendment to the [Constitution of the United States](#) states "a well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed".

Article II, Section 26 of the [Constitution of Arizona](#) states "the right of the individual to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men."

Provisions

1. Declares the Legislature's commitment to support and defend the rights of citizens of Arizona to keep and bear arms as outlined in the Constitution of the United States and the Constitution of Arizona.
2. Maintains Arizona citizens are encouraged to support and defend their right to keep and bear arms as outlined in the Constitution of the United States and the Constitution of Arizona.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: WM DP 7-3-0-0

HB 2409: small business investment credit; extension

Sponsor: Representative Cobb, LD 5
Caucus and COW

Overview

Extends the capital investment incentives authorization and the tax credit for investment in qualified small businesses 10 years.

History

Allows the Arizona commerce authority to evaluate applications submitted by qualified investors to receive a tax credit through June 30, 2021. The authority will not certify tax credits under this section exceeding \$20,000,000 ([A.R.S § 41-1518](#)).

For taxable years through December 31, 2024 a credit is allowed against the taxes imposed by this title for investments made after June 30, 2006 in qualified small businesses. The taxpayer must attach a copy of the Arizona commerce authority certification or the credit will not be granted ([A.R.S § 43-1074.02](#)).

Provisions

1. Extends the capital investment incentives tax credit authorization for 10 years, through June 30, 2031. (Sec. 1)
2. Extends the tax credit for investment in qualified small businesses pursuant to this section for 10 years, through December 31, 2034. (Sec. 2)
3. Contains technical changes (Sec. 1, 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: WM DP 5-4-0-1

HB 2837: income tax credits; employment
Sponsor: Representative Osborne, LD 13
Caucus & Cow

Overview

Requires the Arizona Office of Economic Opportunity (OEO) to compile, in collaboration with the Arizona Department of Education (ADE), an in-demand regional education list of approved career technical education district (CTED) programs. Establishes individual and corporate income tax credits for employing students in CTED programs, individuals with serious mental illness and individuals recently released from prison.

History

A CTED program is a sequence of courses that is offered by a CTED to students in grades 9-12. A CTED program must be approved by the Career and Technical Education Division of the Arizona Department of Education (ADE) based on specific requirements including: 1) requiring a majority of instructional time be conducted in a laboratory environment, field-based environment or work-based learning environment; 2) demonstrating alignment through curriculum, instructional model and course sequence to meet career and technical education preparatory standards; and 3) having a defined pathway to career and postsecondary education in a specific vocation or industry ([A.R.S. § 15-391](#)).

Statute defines *seriously mentally ill* as a person who, as a result of a mental disorder, exhibits emotional or behavioral functioning that is so impaired as to interfere substantially with their capacity to remain in the community without supportive treatment or services of a long-term or indefinite duration ([A.R.S. § 36-550](#)).

Provisions

In-Demand Regional Education List (List)

1. Requires OEO to:
 - a) Compile, in collaboration with ADE and by September 1 of each year, a list of approved CTED programs that lead directly to a career path that is in high demand with median-to-high-wage jobs in that region;
 - b) Incorporate industry feedback as part of developing the in-demand regional education list; and
 - c) Submit the List to the State Board of Education for review and approval. (Sec. 1)

Tax Credit for Employing Students in CTED Programs

2. Establishes an individual and corporate income tax credit, effective January 1, 2021 until January 1, 2023, for a taxpayer who employs at least one individual who is:
 - a) An Arizona resident at the time of being hired;
 - b) Between the ages of 16 and 18; and
 - c) A student in a CTED program and included on the List. (Sec. 3, 5)
3. Caps the amount of the credit to \$2 for each hour worked by an employee during the calendar year and to \$20,000 per taxpayer. (Sec. 3, 5)

4. States that if the tax credit is distributed between co-owners of a business, including partners in a partnership and shareholders of an S corporation, each individual may only claim the pro rata share of the credit based on ownership interest up to \$20,000. (Sec. 3, 5)
5. Caps the tax credit at \$5 million for any calendar year. (Sec. 3, 5)
6. Specifies that the employee to whom a credit is claimed must not have been employed within six months before the date of hire. (Sec. 3, 5)
7. Specifies that the tax credit is on a first-come, first-serve basis. (Sec. 3, 5)
8. States that the tax credit is in lieu of any wage expense deduction taken for state income tax purposes. (Sec. 3, 5)
9. Permits any unused tax credit to carry forward for up to five taxable years. (Sec. 3, 5)
10. Allows DOR to adopt any rules necessary to administer these provisions. (Sec. 3, 5)

Tax Credit for Employing Individuals with Serious Mental Illness

11. Establishes an individual and corporate income tax, effective January 1, 2021 until January 1, 2023, for a taxpayer who employs 100 employees or fewer and employs at least one individual who is:
 - a) Seriously mentally ill; and
 - b) An Arizona resident at the time of being hired. (Sec. 3, 5)
12. Caps the amount of the credit to \$2 for each hour worked by an employee during the calendar year and to \$20,000 per taxpayer. (Sec. 3, 5)
13. States that if the tax credit is distributed between co-owners of a business, including partners in a partnership and shareholders of an S corporation, each individual may only claim the pro rata share of the credit based on ownership interest up to \$20,000. (Sec. 3, 5)
14. Caps the tax credit at \$5 million for any calendar year. (Sec. 3, 5)
15. Specifies that the employee to whom a credit is claimed must not have been employed within six months before the date of hire. (Sec. 3, 5)
16. Specifies that the tax credit is on a first-come, first-serve basis. (Sec. 3, 5)
17. States that the tax credit is in lieu of any wage expense deduction taken for state income tax purposes. (Sec. 3, 5)
18. Permits any unused tax credit to carry forward for up to five taxable years. (Sec. 3, 5)
19. Allows DOR to adopt any rules necessary to administer these provisions. (Sec. 3, 5)

Tax Credit for Employing Individuals Recently Released from Prison

20. Establishes an individual and corporate income tax, effective January 1, 2021 until January 1, 2023, for a taxpayer who employs 100 employees or fewer and employs at least one individual who:
 - a) Has been released from prison within six months before the date of hire; and
 - b) Is an Arizona resident at the time of being hired. (Sec. 3, 5)
21. Caps the amount of the credit to \$2 for each hour worked by an employee during the calendar year and to \$20,000 per taxpayer. (Sec. 3, 5)

- 22. States that if the tax credit is distributed between co-owners of a business, including partners in a partnership and shareholders of an S corporation, each individual may only claim the pro rata share of the credit based on ownership interest up to \$20,000. (Sec. 3, 5)
- 23. Caps the tax credit at \$5 million for any calendar year. (Sec. 3, 5)
- 24. Specifies that the employee to whom a credit is claimed must not have been employed within six months before the date of hire. (Sec. 3, 5)
- 25. Specifies that the tax credit is on a first-come, first-serve basis. (Sec. 3, 5)
- 26. States that the tax credit is in lieu of any wage expense deduction taken for state income tax purposes. (Sec. 3, 5)
- 27. Permits any unused tax credit to carry forward for up to five taxable years. (Sec. 3, 5)
- 28. Allows DOR to adopt any rules necessary to administer these provisions. (Sec. 3, 5)

Miscellaneous

- 29. Adds to the individual and corporate Arizona gross income tax any wage expenses deducted from federal income taxes for which any of these credits are claimed. (Sec. 2, 4)
- 30. Contains a purpose statement. (Sec. 6)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: WM DP 7-3-0-0

HB2856: unclaimed property locators; registration

Sponsor: Representative Carroll, LD 22

Caucus & COW

Overview

Allows a registered locator to receive unclaimed property account information from the Department of Revenue (DOR) and enter into agreements to locate unclaimed property for owners at a fee of not more than 30% of the unclaimed property value.

History

Current law states that agreements are void and unenforceable if the primary purpose is to locate, deliver, recover or assist in the recovery of unclaimed property unless the agreement is with an attorney to file a claim relating to the unclaimed property or to contest a denial of a claim. ([A.R.S § 44-327](#))

Provisions

1. Removes language to render agreements to locate unclaimed property as void and unenforceable. (Sec. 1)
2. Allows an agreement to be entered into to locate unclaimed property if the agreement:
 - a) Is in at least ten-point type;
 - b) Lists the unclaimed property account number;
 - c) Describes the services to be performed;
 - d) Is signed by the claimant; and
 - e) States the value of the unclaimed property before any charges have been deducted. (Sec. 2)
3. Provides that fees or payments may not exceed 30% of the unclaimed property value unless recovery requires judicial determination of ownership. (Sec. 2)
4. States an agreement is unenforceable if the compensation is more than 30% of the unclaimed property value. (Sec. 2)
5. Requires DOR to provide all unclaimed property account information to a registered locator. (Sec. 3)
6. Prohibits DOR from providing unclaimed property account information to an unregistered locator. (Sec. 3)
7. Allows DOR to charge a fee for each information request. (Sec. 3)
8. Requires DOR to provide specific unclaimed property account information on its website in a searchable format. (sec. 3)
9. Allows DOR to determine the form and manner in which a locator becomes registered. (Sec. 3)
10. Allows DOR to charge a registration fee. (Sec. 3)
11. Prohibits a locator from becoming registered if an individual, officer, owner or employee was convicted of a felony involving dishonesty, deceit, fraud or a breach of fiduciary duty within the prior 10 years. (Sec. 3)
12. Provides that the locator registration is valid for four years and can be renewed. (Sec. 3)
13. Allows DOR to determine a renewal fee. (Sec. 3)

14. Establishes the locator registration fund, administered by DOR, that consists of the registration and renewal fees and that is used to monitor the locators. (Sec. 3)
15. Prohibits locators from distributing the unclaimed property account information they received to other locators or persons. (Sec. 3)
16. Allows DOR to distribute property or money in accordance with a property owner's written agreement that authorizes a registered locator to claim the property. (Sec. 3)
17. Requires the written agreement to be executed by the owner and filed with DOR. (Sec. 3)
18. Makes technical and conforming changes. (Sec. 1, 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DPA 6-5-0-0

HB 2598: sanctuary jurisdiction; liability; civil action

Sponsor: Representative Roberts, LD 11

Caucus & COW

Overview

Mandates that all Arizona agencies and local jurisdictions comply with a valid immigration detainer as requested by the federal government.

History

Current law prohibits an official or agency of this state or a county, city, town or other political subdivision from limiting or restricting the enforcement of federal immigration laws to less than the full extent allowed by federal law.

A legal resident of Arizona may bring an action in superior court to challenge any agency or official of this state or a county, city, town or other political subdivision of this state that adopts or implements a policy that restricts or limits the enforcement of federal immigration laws ([A.R.S. § 11-1051](#)).

Provisions

1. Requires officials and agencies of this state and counties, cities, towns and other political subdivisions of this state, including law enforcement officers, to comply with a valid immigration detainer requested by the federal government or their authorized agent. (Sec. 1)
2. Prescribes a civil penalty for officials, state agencies or law enforcement officers who intentionally or knowingly fail to comply with a valid immigration detainer. (Sec. 1)
3. Authorizes the Arizona Attorney General or appropriate county attorney to commence an action in superior court if they find cause to believe that an entity is not complying with a valid immigration detainer as requested by federal officials. (Sec. 1)
4. Allows an individual (*or family member if the individual is deceased*) to bring an action for damages against a county, city, town or other political subdivision of this state that is a sanctuary jurisdiction if all of the following apply:
 - a) The individual is the victim of sexual assault, murder or any other felony;
 - b) An alien was arrested, convicted and sentenced to a term of imprisonment of at least one year for the sexual assault, murder or other felony;
 - c) The county, city, town or other political subdivision, within 10 years before the offense occurred, intentionally or knowingly failed to either:
 - i. Comply with a lawful request with respect to the alien and a detainer for, or notice about the release of, the alien; or
 - ii. Contact the federal government to determine the immigration status of the alien. (Sec. 2)
5. Directs the court to award the prevailing party the costs and reasonable attorney fees. (Sec. 2)

6. States that the clerk of the court in which the legal proceedings are held must notify the State Treasurer of the judgement if a county, city, town or other political subdivision is found responsible pursuant to this Act. (Sec. 2)
7. Specifies that the State Treasurer must prepare an itemized claim against the pertinent jurisdiction for the costs of incarceration of the alien in the Arizona Department of Corrections as a result of the criminal case. (Sec. 2)
8. Requires the claim to be sent to the city, town, county or other political subdivision for payment and upon receipt, the claim must be paid to the State Treasurer. (Sec. 2)
9. Instructs the State Treasurer to deposit the monies in the state General Fund. (Sec. 2)
10. Defines *alien* and *sanctuary jurisdiction*. (Sec. 2)
11. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Government

1. Specifies that the state Department of Corrections must also be notified of a judgement.
2. Directs the state Department of Corrections to prepare the itemized claim, rather than the State Treasurer.
3. Stipulates that a copy of the claim must be provided to the State Treasurer.
4. Requires the city, town or county to pay the State Treasurer within 90 days of receiving the certified claim.
5. Instructs the State Treasurer to notify the city, town or county and the state Department of Corrections of the payment upon receipt of such payment.
6. Specifies that if the city, town or county does not pay the State Treasurer in a timely manner, they will withhold their state shared revenues and must continue withholding this revenue until the monies are paid.
7. Directs the State Treasurer to redistribute the monies withheld among all other cities, towns and counties proportionally by their population.
8. Prohibits the State Treasurer from withholding any amount that the city, town or county certifies as being necessary to make required deposits or payments for debt service on bonds.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DP 8-0-0-3

HB 2792: incorporation; urbanized areas.

**Sponsor: Representative Shope, LD 8
Caucus & COW**

Overview

Modifies the requirements for incorporation of urbanized areas.

History

A territory within an urbanized area may not be incorporated as a city or town and the Board of Supervisors (Board) is prohibited from taking any action on a petition for incorporation within such area unless:

- 1) A resolution adopted by the city or town causing the urbanized area to exist is submitted with the petition and approves the proposed incorporation; or
- 2) An affidavit is filed with the Board stating that a petition was submitted to the city or town causing the urbanized area to exist that requests annexation and it was not approved within 120 days ([A.R.S. § 9-101.01](#)).

Provisions

1. States that the qualified electors of a community must have the express intent to incorporate the community as a city or town and the Board will call the election after the map and petition, with signatures, are filed with the Board. (Sec. 1)
2. Stipulates that the map and petition must be filed within 24 hours of each other or simultaneously. (Sec. 1)
3. Requires the petitioners to do the following before obtaining signatures related to incorporation:
 - a) Publish a copy for two consecutive weeks, in a newspaper of general circulation in the area to be affected, of the petition that includes the metes and bounds of the community to be incorporated;
 - b) Allow members of the public to request modifications to the metes and bounds of the community by presenting alternatives to the petitioners; and
 - c) Submit a copy of the petition at least 60 days after publishing the required notice to the county recorder and elections department. (Sec. 1)
4. Removes the requirement for petitioners to have 180 days to obtain the required number of signatures from the date of filing such petition. (Sec. 1)
5. Stipulates that the petition must set forth the metes and bounds of the community and state the petitioners desire for the community to become incorporated as a city or town. (Sec. 1)
6. Directs the petitioners to also submit a copy of the noticed petition that describes the metes and bounds of the community to be incorporated. (Sec. 1)
7. Instructs the Board to authorize the circulation of the petition within 30 days after submission and not later than the next regularly scheduled Board meeting following submission of the proper and legal petition to the county recorder or elections department. (Sec. 1)
8. Specifies that petitioners have 180 days from the Board meeting date when the circulation of the petition is approved to obtain the required number of signatures. (Sec. 1)

9. Allows metes and bounds to be described by roads that make up the boundaries of the community. (Sec. 1)
10. States that certain incorporation requirements exist through December 31, 2026. (Sec. 2)
11. Stipulates that statutorily prescribed requirements for incorporation must be submitted prior to the petitioners obtaining signatures. (Sec. 2)
12. Requires petitioners, before obtaining signatures related to incorporation of a planned community association area, to do the following:
 - a) Notify the principals of all planned community associations located within the proposed incorporation area;
 - b) Submit the written permission of the declarants to the county recorder or elections department;
 - c) Submit a list of planned community associations that have been notified to the county recorder or elections department; and
 - d) Require the list to include:
 - i. The name of the property owner within the boundaries of the proposed incorporation or developer of each subdivision there within;
 - ii. The address of the property owner or developer of each subdivision within the proposed incorporation boundaries; and
 - iii. The date the property owner or subdivision developer was notified by the petitioners about the proposed incorporation. (Sec. 2)
13. Makes technical and conforming changes. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DP 6-5-0-0

HCR2041: corporation commission; appointment; members

Sponsor: Representative Toma, LD 22

Caucus & COW

Overview

Modifies the way Corporation Commission members are appointed and increases their term limits.

History

The State Constitution creates a Corporation Commission that consists of five members who are elected in a general election to four-year terms. No Corporation Commission member may hold that office for more than two consecutive terms. A commissioner cannot serve again in the office unless they are out of that office for one full term. The Corporation Commission must keep its office at the state capital. In the case of a vacancy, the Governor appoints a commissioner to fill the vacancy until a commissioner is elected at a general election as prescribed by law ([AZ Const. Art. XV, § 1](#)).

Provisions

1. Removes the limit of a maximum of two consecutive terms for a Corporation Commission member.
2. Requires Corporation Commission members to be appointed by the Governor, with the consent of the Senate, replacing the requirement that the five Corporation Commission members be elected in the general election.
3. Specifies that the Governor, with the consent of the Senate, will:
 - a) Upon the expiration of terms of two commissioners in January 2023, appoint a commissioner for a term beginning in January 2023 and ending January 2026 and appoint another commissioner whose term will begin in January 2023 that will end January 2027; and
 - b) On the expiration of terms of three commissioners in January 2025, appoint the commissioners whose terms will all begin in January 2025 but will each end on January 2028, January 2029 and January 2030.
4. Increases the term length for commissioners to five years.
5. Authorizes the Governor, in the case of a vacancy in the office, to appoint a commissioner with the consent of the Senate for the remainder of the term.
6. Asserts that no more than three Corporation Commission members may be from the same political party.
7. Directs the Secretary of State to submit this proposition to the voters at the next general election.
8. Contains conforming changes.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DPA 8-5-0-0-0

HB 2818: adjudication; subflow wells; claim; priority

Sponsor: Representative Griffin, LD 14

Caucus & COW

Overview

Allows someone to apply for a right to withdraw appropriable surface water for beneficial use from a well within a watershed's subflow zone if certain criteria are met and that person files a new or amended statement of claim.

History

All surface waters in Arizona are public and subject to appropriation, and beneficial use is the basis, measure and limit for using these waters ([A.R.S. § 45-141](#)). Someone can appropriate unappropriated surface waters for domestic, municipal, irrigation, stock watering, water power, recreational, wildlife, nonrecoverable water storage or mining uses. That person can realize beneficial use by building and maintaining water storage infrastructure like reservoirs and water ways such as canals and ditches ([A.R.S. § 45-151](#)).

A general adjudication is a judicial proceeding that determines the extent and priority of surface water rights in an area. These adjudications are held in the county with the most potential claimants. All potential claimants must file a statement of claim with this court that provides certain information about their surface water rights, including the source from which their right is claimed and the quantities of water and periods during a year when this use is claimed ([A.R.S. § 45-254](#)).

Subflow is defined in case law as waters that are part of a surface stream but that flow through lands under or adjacent to a streambed. As part of litigation surrounding the Gila River general stream adjudications, the Arizona Department of Water Resources has been directed to develop a map for the subflow zone throughout this river system. Currently, only the San Pedro River watershed, which is part of the Gila River basin, has had its subflow zone boundaries delineated. Well owners claiming a right to pump underground waters that may be part of a subflow zone must file statements of claim to have the nature and priority of their water rights determined.

Provisions

1. Recognizes a water right in a well that withdraws appropriable surface water if that water has been appropriated consistent with this act. (Sec. 1)
2. Permits someone to apply for a right to withdraw appropriable surface water from a well for beneficial use in a watershed subject to a court's jurisdiction if all the following apply:
 - a) The court has entered a final judgment delineating the boundaries of the subflow zone within the watershed;
 - b) The well was in the subflow zone's boundaries when the court entered the final judgment establishing these boundaries;
 - c) The well has historically withdrawn water for beneficial use; and
 - d) A water right to withdraw and beneficially use appropriable surface water from the well does not exist under any other law, final judgment or final court decree. (Sec. 2)
3. Specifies that the priority date for this water right is the date the water withdrawn from the well was first put to beneficial use.

4. Allows someone whose well has been determined to be in a subflow zone to file a new or amended statement of claim and a notice of filing with the court. (Sec. 2)
5. Directs the water master to do the following after receiving a new or amended statement of claim:
 - a) Determine if there is clear and convincing evidence that the well in the statement of claim is withdrawing appropriable surface water;
 - b) Determine what proportion of the water withdrawn by the well is surface water; and
 - c) Recommend water rights attributes for the well.
6. Stipulates that the court must, after receiving the water master's report, enter a judgment that determines the extent of the appropriable surface water right in the well and the priority date of the water right. (Sec. 2)

Amendments

Committee on Natural Resources, Energy & Water

1. Modifies the following criteria that someone must meet to apply for a right to withdraw appropriable surface water from a well for beneficial use pursuant to this act:
 - a) The court has entered a final judgment delineating the subflow zone's boundaries within the watershed or has determined that a well's cone of depression intersects with this zone; and
 - b) The well existed when the court entered the final judgment establishing the subflow zone's boundaries.
2. Specifies that a water right claim filing pursuant to this act is complete on timely receipt by ADWR of a properly executed statement of claimant and filing fees.
3. Allows someone whose well has a cone of depression that intersects with a subflow zone to file a new or amended statement of claimant and a notice of filing with the court.
4. Removes the requirement that a water master must use the "clear and convincing" standard of evidence when determining if a well that is subject to a statement of claimant is withdrawing appropriable surface water.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DPA/SE 13-0-0-0-0

**HB 2819: geological survey; state geologist; appointment
S/E Arizona geological survey; state geologist
Sponsor: Representative Griffin, LD 14
Caucus & COW**

Summary of the Strike-Everything Amendment to HB 2819

Overview

Requires the state geologist to be registered as a geologist under the State Board of Technical Registration or a trained geologist.

History

The Survey provides information to the public on geological processes, materials and landscapes and advice and assistance on developing mineral and land resources in Arizona ([A.R.S. § 27-103](#)). Its responsibilities include mapping geologic features, providing objective information about the geologic character of Arizona, preparing data files with known earth fissures and maintaining a central repository and database ([A.R.S. § 27-106](#)).

The state geologist leads the Survey.

Two laws passed in 2016 created conflicting versions of the same statute for the Survey and the state geologist:

- 1) [Laws 2016, Chapter 128, § 5](#) established the Survey within the University of Arizona. The state geologist serves at the pleasure of the Arizona Board of Regents and can engage the services of faculty members or students; and
- 2) [Laws 2016, Chapter 371, § 6](#) established the Survey with offices located near the University of Arizona. The state geologist is appointed by the Governor and organizes the Survey into administrative units and employs staff.

Provisions

1. Requires the state geologist to be registered as a geologist through the State Board of Technical Registration or have earned a geology degree from an accredited educational institution and participated in geological work for at least four years outside of an educational institution.
2. Repeals Laws 2016, Chapter 371, §6.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DP 7-5-0-1-0-0

HB 2828: solar; electric vehicle batteries; disposal

Sponsor: Representative Finchem, LD 11

Caucus & COW

Overview

Prohibits disposing solar panels and electric or hybrid electric vehicle batteries in an Arizona landfill and assesses a fee on these products for manufacturers that have not established a recycling program for end-of-life management of these products.

History

A *solid waste landfill* is a facility, area of land or excavation where solid wastes are placed for permanent disposal ([A.R.S. § 49-701\(30\)](#)). The Arizona Department of Environmental Quality (ADEQ) is responsible for registering and regulating these landfills, which must comply with state law and the requirements of Titles III and IV of the Federal Water Pollution Control Act Amendments (A.R.S. §§ [49-747](#), [49-772](#) and [49-773](#)).

There are no Arizona statutes or regulations that specifically regulate the disposal of solar panels and electric or hybrid electric vehicle batteries. However, under the federal Resource Conservation and Recovery Act ([42 U.S.C. §6901 et seq.](#)), certain solar panels can be considered "hazardous waste" ([40 Code of Federal Regulations Section 261.3](#)). Pursuant to this act, the Environmental Protection Agency has developed regulations to safely manage hazardous waste from when it is generated to when it is disposed.

Provisions

Specialty Environmental Component Disposal (Sec. 1)

1. Prohibits someone from disposing a *specialty environmental component* in an Arizona solid waste landfill.
2. Establishes a civil penalty of no more than \$5,000 for someone who disposes a *specialty environmental component* in an Arizona solid waste landfill.
3. Requires a *specialty environmental component* to be disposed at a recycling facility approved by ADEQ for that purpose or one that a manufacturer establishes to handle these components.

Special Environmental Component Fee (Sec. 1)

4. Requires someone who sells or leases *specialty environmental components* to pay a statutorily established fee that will be collected by the Department of Revenue and transferred into the Specialty Environmental Component Fund.
5. Directs the owner of a *specialty environmental component* that is subject to the fee to return this component to the manufacturer at the time of disposal.
6. Exempts from this fee *specialty environmental components* from a manufacturer that has established a recycling program for end-of-life-management.
7. Stipulates that a manufacture's report must include a description of the recycling program and the number and types of *specialty environmental components* that were collected or returned.
8. Requires a manufacturer that fails to submit its annual report to ADEQ to be subject to the fee.

Specialty Environmental Component Fund (Sec. 1)

9. Establishes the Specialty Environmental Component Fund to receive fees from *specialty environmental components*, gifts, grants and donations.

10. Directs ADEQ to administer this fund.
11. Declares that monies in this fund are continuously appropriated.
12. Requires Fund monies to be used for recycling orphaned waste from cleanup of pollution or other environmental damage from improper disposal of *specialty environmental components* and to reimburse recycling facilities that receive *specialty environmental components* for disposal.
13. Allows ADEQ to initiate a cleanup and seek reimbursement of those costs from the last known manufacturer of the *specialty environmental component* and deposit any reimbursement monies into this fund.

Miscellaneous

14. Defines *specialty environmental component*. (Sec. 1)
15. Contains a Proposition 108 clause. (Sec. 3)
16. Repeals this act on July 1, 2027. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes) <input checked="" type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DP 12-0-0-1-0-0

HB 2855: electric charging providers; regulation

Sponsor: Representative Carroll, LD 22

Caucus & COW

Overview

Exempts electric charging providers for electric vehicle batteries (providers) from being subject to Arizona Corporation Commission (ACC) regulation and allows them to sell electricity by kilowatt hour or by time.

History

The ACC is charged with prescribing rates and charges that are made and collected by *public service corporations* in Arizona for the services they provide ([Constitution of Arizona, Article XV, §3](#)). *Public service corporations* include those that provide electricity for light, fuel or power but that are not owned and operated by municipalities ([Constitution of Arizona, Article XV, §2](#)).

In July 2019, the ACC issued an order that providers are not *public service corporations* because they do not generate, transmit and distribute electricity to customers. Instead, these providers are customers of utilities that offer specialized equipment for the specific purpose of charging electric vehicles ([Decision No. 77289](#)).

A kilowatt hour is a measure of electrical energy equal to a power consumption of 1,000 watts for one hour.

Provisions

1. Declares that providers are not *public service corporations*.
2. Exempts providers from being subject to ACC regulation.
3. Allows providers to sell electricity to charge electric vehicle batteries by kilowatt hour or by time.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DP 7-5-0-1-0-0

HB 2880: assured water supply; availability; plats

Sponsor: Representative Roberts, LD 11

Caucus & COW

Overview

Modifies the criteria that must be considered when determining if water is physically available for a designation of assured water supply (DAWS) in the Pinal Active Management Area (AMA).

History

Assured Water Supply

An *assured water supply* means all the following:

- 1) Sufficient groundwater, surface water or effluent of adequate quality that will be continuously available to meet proposed water needs for at least 100 years;
- 2) Projected groundwater use is consistent with the management plan and achieving the management goal for the AMA; and
- 3) Demonstrating the financial capability to build the facilities necessary to make water available for the proposed use ([A.R.S. § 45-576\(L\)](#)).

Arizona Administrative Code details additional criteria that the ADWR Director must follow when determining whether enough water is physically available to meet proposed uses ([R12-15-716](#)).

Municipalities and private water companies in AMAs can be designated as having an assured water supply by the ADWR Director if they meet criteria established in rule (A.R.S. §§ [45-576\(D\)](#) and [45-576\(E\)](#)).

Someone who wants to offer subdivided lands for sale or lease in an AMA must receive a certificate of assured water supply (CAWS) from ADWR by demonstrating that they meet the assured water supply criteria. That person can become a member in the Central Arizona Groundwater Replenishment District to demonstrate that their proposed groundwater use is consistent with the AMA's management plan and goal. A municipality or county will not approve that subdivision plat, and the State Real Estate Commissioner will not authorize the sale or lease of the subdivided lands, without a CAWS unless the subdivider has received a water service commitment from a municipality or private water company that is designated as having an assured water supply ([A.R.S. § 45-576](#)).

Someone can assign a CAWS to another person if certain statutory criteria are met. One of these criteria is that there must not be any material change in the subdivision plat since the certificate was issued, including any increase in the total number of housing units or the total water demand for the subdivision ([A.R.S. § 45-579\(A\)](#)).

Underground Water Storage and Credits

Statute allows someone to store and save water underground if they have obtained the appropriate permit ([A.R.S. § 45-802.01](#)). Those who store water underground for over a year and meet additional statutory requirements can earn long-term storage credits (LTSCs) that are credited to a long-term storage account ([A.R.S. § 45-852.01](#)). LTSCs can be recovered in the future for various uses, including demonstrating an assured water supply ([A.R.S. § 45-855.01](#)).

Provisions

1. For an application to modify or renew a DAWS in the Pinal AMA:

- a) Prohibits the ADWR Director from reviewing the physical availability of groundwater that was considered physically available in the previous DAWS determination;
 - b) Forbids the physical availability of groundwater that was considered physically available under the previous DAWS from being grounds for objection; and
 - c) Establishes that the following are considered physically available for a DAWS:
 - i. Stored water that is annually recovered by an applicant with a storage permit in an *area of impact*;
 - ii. Stored water that an applicant will recover within the *area of impact* through LTSCs pledged to the DAWS; and
 - iii. Physically available water that will be stored within the *area of impact* annually or as LTSCs in the future.
 - Declares that LTSCs pledged to a DAWS are physically available only for the provider who holds those credits. (Sec. 1)
- 2. Modifies one of the criteria that the ADWR Director must consider when determining whether to approve an application to assign a CAWS to another person as follows:
 - a) There has not been any material change in the subdivision plat, plan or map, except for an increase in the total number of housing units, provided there is no increase in the subdivision's total water demand. (Sec. 2)
 - 3. Specifies that, for any AMA, increasing the number of housing units in a subdivision does not constitute a material change for a CAWS holder's platted subdivision. (Sec. 3)
 - 4. Defines *area of impact*. (Sec. 1)
 - 5. Makes technical changes. (Sec. 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DPA/SE 11-0-0-2-0-0

HCM2003: urging Congress; technical correction

S/E: urging eradication; salt cedars; waterways

Sponsor: Representative Griffin, LD 14

Caucus & COW

Summary of the Strike Everything Amendment to HCM 2003

Overview

Urges the United States Congress, the United States Department of the Interior (DOI) and the United States Department of Agriculture (USDA) to develop solutions to control the growth of salt cedar trees.

History

Tamarisks, also known as salt cedar trees, were introduced into the United States in the 1800s and are now deemed an invasive species by the United States Department of Agriculture. In 1999, President Clinton established the National Invasive Species Council and defined an invasive species as an alien species whose introduction does or is likely to cause harm to the economy, environment or human health (Exec. Order 13112).

Provisions

1. Urges the U.S. Congress to appropriate monies to the State of Arizona to eradicate salt cedars from Arizona waterways.
2. Urges the DOI and the USDA to develop innovative solutions to control the proliferation of salt cedars.
3. Directs the Secretary of State to transmit copies of the memorial to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Secretary of the USDA and each member of Arizona's congressional delegation.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DPA/SE 11-0-0-2-0-0

HCR2027: legislators' qualifications; technical correction

S/E: support; water management policies

Sponsor: Representative Griffin, LD 14

Caucus & COW

Summary of the Strike Everything Amendment to HCR 2027

Overview

Resolves that the Members of the Legislature continue the tradition of leadership and support for appropriate water management practices and policies and declares the Legislature's support of reasonable and prudent multiple-use forest management policies.

History

Arizona has developed and implemented water management policies including:

- 1) The establishment of the Central Arizona Water Conservation District in 1971 to repay the federal government for the Central Arizona Project;
- 2) The establishment of the Groundwater Management Act and Arizona Department of Water Resources in 1980;
- 3) The passage of legislation in 1986 to provide for the underground storage of water for future uses with additional provisions enacted in 1994;
- 4) The creation of the Central Arizona Groundwater Replenishment District in 1993 as a mechanism to provide for additional water supplies;
- 5) The creation of the Arizona Water Banking Authority in 1996 to help ensure full use of Arizona's share of the Colorado River;
- 6) The authorization for Arizona to participate in Minutes 319 and 323 to the 1944 Treaty with Mexico in 2012 and 2017 regarding the use of Colorado River water; and
- 7) The authorization for Arizona to participate in the Drought Contingency Plan among the seven basin states of the Colorado River in 2019.

Provisions

1. Resolves that the Members of the Legislature continue the tradition of leadership and support for appropriate water management practices and policies that protect property and water rights, and that provide for the continued safety and prosperity of Arizona
2. Declares the Legislature's support of reasonable and prudent multiple-use forest management policies to improve forest health.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TECH DPA 7-0-0-0

HB 2654: patriotic youth groups; school access.

Sponsor: Representative Thorpe, LD 6
Caucus & COW

Overview

Permits certain patriotic youth groups to address students.

History

In accordance with the Boy Scouts of America Equal Access Act, a public elementary school, public secondary school, local educational agency, or State education agency that has a designated open forum or a limited public forum cannot deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum. *Youth group* is a group or organization intended to serve young people under the age of 21 ([20 U.S.C. § 7905](#)).

Patriotic Youth Groups under Federal laws 36 U.S. Code, subtitle II, Part B are as follows:

- 1) Big Brothers-Big Sisters of America; ([36 U.S.C. § 301](#))
- 2) Boy Scouts of America; ([36 U.S.C. § 309](#))
- 3) Boys & Girls Clubs of America; ([36 U.S.C. § 311](#))
- 4) Future Farmers of America; and ([36 U.S.C. § 709](#))
- 5) Girl Scouts of the United States of America. ([36 U.S.C. § 803](#))

Provisions

Patriotic Youth Organization (Organization) (Sec. 1)

1. Permits a principal to allow representatives from each Organization a single opportunity each year to address students about how the Organization supports educational interests and civic involvement.
2. Requires the single opportunity for each Organization to:
 - a) Occur during the first quarter of each academic school year; and
 - b) Not exceed 10 minutes in duration.
3. Instructs a representative of an Organization that intends to address students to submit a request to the principal during the first two weeks of the school year.
4. Allows the principal, upon receiving a request, to provide the representative with approval that includes the date and time that the representative may address the students.
5. Requires the principal to ensure that materials provided by the Organization are distributed directly to students on school property.
6. Permits the principal to request prior approval of the materials and to determine the method of distribution.
7. Prohibits a public school from denying equal access or a fair opportunity to address students to, or discriminate against, any of the Organizations that wish to address students within that designated open forum or limited public forum.

8. Defines *patriotic youth organizations*.

Amendments

Committee Technology

1. Modifies the definition of *patriotic youth organizations* to include:
 - a) A youth group or youth organization to be approved by either:
 - i. The school district governing board or charter school governing body; or
 - ii. The principal of the public school.
2. Makes technical changes.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TECH DP 7-0-0-0

HB 2881: genetic testing; private property
Sponsor: Representative Roberts, LD 11
Caucus & COW

Overview

Asserts a genetic test is the exclusive private property of the person tested.

History

Genetic testing is defined as a test of a person's genes, genetic sequence, gene products or chromosomes for abnormalities and deficiencies, including carrier status, that: 1) are linked to physical or mental disorders or impairments; 2) indicate a susceptibility to any illness, disease, impairment or other disorder, whether physical or mental; 3) demonstrate genetic or chromosomal damage due to any environmental factor ([A.R.S. § 12-2801](#)).

Genetic testing, and information derived from it, are confidential and considered privileged to the person tested and shall only be released as authorized by state or federal law, or to the person tested or other entities as outlined in statute.

A person is prohibited from disclosing or being compelled to disclose the identity of any person on whom a genetic test was performed or the results of a genetic test in a manner that allows identification of the person tested, with exceptions ([A.R.S. § 12-2802](#)).

Provisions

1. Declares genetic testing and the information derived from genetic testing, whether in the possession of a public or private entity, are the exclusive private property of the person tested. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TECH DP 6-1-0-0

HCR2013: consumer data; privacy; federal standard

Sponsor: Representative Bolick, LD 20

Caucus & COW

Overview

Asserts the legislature's belief in a single federal standard for regulating consumer data privacy.

History

The Statewide Information Security and Privacy Office serves as the strategic planning, facilitation and coordination office for information technology security in Arizona. The Office must develop, implement, maintain and ensure compliance with each state agency with a coordinated statewide assurance plan for information security and privacy. Additionally, the Office must: 1) direct information security and privacy protection compliance reviews with each state agency to ensure compliance with standards and effectiveness of security assurance plans; 2) identify information security and privacy protection risks in each budget unit and direct agencies to adopt risk mitigation strategies, methods and procedures to lessen these risks; 3) monitor and report compliance of each budget unit with state information security and privacy protection policies, standards and procedures; 4) coordinate statewide information security and privacy protection awareness and training programs; and 5) develop other strategies as necessary to protect this state's information technology infrastructure and the data that is stored on or transmitted by the infrastructure ([A.R.S. § 18-105](#)).

Provisions

1. Declares the members of the legislature:

- a) Oppose the enactment of laws, the adoption of regulations or the imposition of out-of-state standards that would restrict or otherwise dictate standards relating to consumer data privacy, absent a clear nexus with consumer harm; and
- b) Believe a single federal standard for comprehensive consumer data privacy regulation is preferable to a state-by-state approach.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note